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**SENATE BILL 5240**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Braun, Keiser, and Mullet; by request of Employment Security Department

Read first time 01/10/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to unemployment insurance benefits appeal  
2 procedures; amending RCW 50.32.040; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 50.32.040 and 2003 2nd sp.s. c 4 s 32 are each  
5 amended to read as follows:

6 In any proceeding before an appeal tribunal involving ((a)):

7 (1) A dispute of an individual's initial determination,  
8 determination of allowance or denial of allowance of benefits, or  
9 redetermination of allowance or denial of benefits, all matters  
10 covered by such initial determination, determination, or  
11 redetermination shall be deemed to be in issue irrespective of the  
12 particular ground or grounds set forth in the notice of appeal.

13 ~~((In any proceeding before an appeal tribunal involving a dispute~~  
14 ~~of an individual's claim for waiting period credit or claim for~~  
15 ~~benefits, all matters and provisions of this title relating to the~~  
16 ~~individual's right to receive such credit or benefits for the period~~  
17 ~~in question, including but not limited to the question and nature of~~  
18 ~~the claimant's availability for work within the meaning of RCW~~  
19 ~~50.20.010(1)(c) and 50.20.080, shall be deemed to be in issue~~  
20 ~~irrespective of the particular ground or grounds set forth in the~~  
21 ~~notice of appeal in single claimant cases. The claimant's~~

1 ~~availability for work shall be determined apart from all other~~  
2 ~~matters.~~

3 ~~In any proceeding before an appeal tribunal involving an))~~ (2) An  
4 individual's right to benefits, all parties shall be afforded an  
5 opportunity for hearing after not less than seven days' notice in  
6 accordance with RCW 34.05.434.

7 ((~~In any proceeding involving an))~~ (3) An appeal relating to  
8 benefit determinations or benefit claims, the appeal tribunal, after  
9 affording the parties reasonable opportunity for fair hearing, shall  
10 render its decision affirming, modifying, or setting aside the  
11 determination or decisions of the unemployment compensation division.  
12 The parties shall be duly notified of such appeal tribunal's decision  
13 together with its reasons therefor, which shall be deemed to be the  
14 final decision on the initial determination or the claim for waiting  
15 period credit or the claim for benefits unless, within thirty days  
16 after the date of notification or mailing, whichever is the earlier,  
17 of such decision, further appeal is perfected pursuant to the  
18 provisions of this title relating to review by the commissioner.

19 NEW SECTION. **Sec. 2.** If any part of this act is found to be in  
20 conflict with federal requirements that are a prescribed condition to  
21 the allocation of federal funds to the state or the eligibility of  
22 employers in this state for federal unemployment tax credits, the  
23 conflicting part of this act is inoperative solely to the extent of  
24 the conflict, and the finding or determination does not affect the  
25 operation of the remainder of this act. Rules adopted under this act  
26 must meet federal requirements that are a necessary condition to the  
27 receipt of federal funds by the state or the granting of federal  
28 unemployment tax credits to employers in this state.

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