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ENGROSSED SUBSTITUTE HOUSE BILL 1599

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Basich, Hargrove, Jones, Sheldon, Riley, P. Johnson, Bowman, Belcher, Cole, Brumsickle, Kremen, R. Johnson, Heavey, Morris, H. Myers, Peery, Rayburn, Jacobsen, R. King, Inslee, G. Fisher, Roland, Phillips, Orr, Cooper, Rasmussen and Spanel).

Read first time March 4, 1991.

1 AN ACT Relating to unemployment insurance; adding new sections to  
2 chapter 50.22 RCW; creating a new section; providing an effective date;  
3 and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.22 RCW  
6 to read as follows:

7 (1) An additional benefit period is established for counties  
8 identified under subsection (2) of this section beginning on the first  
9 Sunday after the effective date of this act. Benefits shall be paid as  
10 provided in section 3 of this act.

11 (2) For the purposes of this section:

12 (a) "Additional benefit period" means a period applicable to a  
13 county that:

14 (i) Begins with the third week after a week in which the  
15 commissioner determines that the county has:

1 (A) A county annual insured unemployment rate that is twenty  
2 percent or more above the state annual insured unemployment rate for  
3 the prior calendar year; and

4 (B) A lumber and wood products employment location quotient that is  
5 at least twice the state average during the prior twelve-month period;  
6 and

7 (ii) Ends no sooner than fifty-two weeks after the additional  
8 benefit period begins.

9 (b) "Annual insured unemployment rate" means the percentage derived  
10 by dividing the average weekly number of individuals filing claims for  
11 weeks of unemployment with respect to the most recent fifty-two  
12 consecutive week period, as determined by the commissioner on the basis  
13 of the department's reports to the United States secretary of labor, by  
14 the average monthly employment covered under this title for the first  
15 four of the most recent six completed calendar quarters ending before  
16 the end of such fifty-two week period. The division shall be carried  
17 to the fourth decimal place with any remaining fraction disregarded.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.22 RCW  
19 to read as follows:

20 An additional benefit period is established for the lumber and wood  
21 products industry beginning with the third week after the first Sunday  
22 after the effective date of this act. Benefits shall be paid as  
23 provided in section 3 of this act.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.22 RCW  
25 to read as follows:

26 Benefits shall be paid under the additional benefit periods  
27 established under sections 1 and 2 of this act as follows:

1 (1) No new claims for additional benefits will be accepted for  
2 weeks beginning after July 3, 1993, but for claims established on or  
3 before July 3, 1993, weeks of unemployment occurring after July 3,  
4 1993, shall be compensated as provided in this section. This  
5 additional benefit period shall be suspended with the start of an  
6 extended benefit period, or any totally federally funded benefit  
7 program, with eligibility criteria and benefits comparable to the  
8 program established by this section and sections 1, 2, and 4 of this  
9 act, and shall resume the first week following the end of the federal  
10 program.

11 (2) The weekly benefit amount shall be calculated as specified in  
12 RCW 50.22.040.

13 (3) The total additional benefit amount shall be the least of:

14 (a) One hundred percent of regular benefits payable under this  
15 title;

16 (b) Twenty-six times the individual's weekly benefit amount; or

17 (c) Fifty-two times the individual's weekly benefit amount, reduced  
18 by the total amount of regular benefits and extended benefits paid, or  
19 deemed paid, with respect to the benefit year.

20 (4) Additional benefits shall not be payable for weeks more than  
21 one year beyond the end of the benefit year of the regular claim.

22 (5) Additional benefits shall be payable for up to five weeks  
23 following the completion of the training required by section 4 of this  
24 act.

25 (6) Benefits paid under this section shall be paid under the same  
26 terms and conditions as regular benefits, shall be paid subject to  
27 rules adopted by the commissioner to implement this section and  
28 sections 1, 2, and 4 of this act, and shall not be charged to the  
29 experience rating account of individual employers.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 50.22 RCW  
2 to read as follows:

3        (1)    An additional benefit eligibility period is established for  
4 any exhaustee who:

5        (a)(i) At the time of last separation from employment, resided in  
6 or was employed in a county identified under section 1(2) of this act;  
7 or

8        (ii) During his or her base year, earned wages in six hundred  
9 eighty hours of lumber and wood products employment; and

10       (b) Has received notice of a permanent termination of employment  
11 from the individual's employer or has been laid off and is unlikely to  
12 return to his or her previous employment because work opportunities at  
13 the individual's most recent workplace or in the individual's most  
14 recent occupation have been substantially reduced; and

15       (c) Is notified by the department of the requirements of this  
16 section and develops an individual training program which is submitted  
17 to the commissioner for approval not later than sixty days after the  
18 individual is notified of the requirements of this section, and enters  
19 the approved training program not later than ninety days after the date  
20 of the individual's termination or layoff, or ninety days after the  
21 effective date of this act, whichever is later, unless the department  
22 determines that the training is not available during the ninety-day  
23 period, in which case the individual shall enter training as soon as it  
24 is available; and

25       (d) Is enrolled in training on a full-time basis and maintains  
26 satisfactory progress in the training; and

27       (e) Does not receive a training allowance or stipend under the  
28 provisions of any federal or state law.

29       (2) For the purposes of this section:

30       (a) "Training program" means:

1 (i) A remedial education program determined to be necessary after  
2 counseling at the educational institution in which the individual  
3 enrolls pursuant to his or her approved training program; or

4 (ii) A vocational training program at an educational institution  
5 that:

6 (A) Is training for a labor demand occupation;

7 (B) Is likely to facilitate a substantial enhancement of the  
8 individual's marketable skills and earning power; and

9 (C) Does not include on-the-job training or other training under  
10 which the individual is paid by an employer for work performed by the  
11 individual during the time that the individual receives additional  
12 benefits under section 1 of this act.

13 (b) "Educational institution" means an institution of higher  
14 education as defined in RCW 28B.10.016 or an educational institution as  
15 defined in RCW 28C.04.410(3).

16 (c) "Training allowance or stipend" means discretionary use, cash-  
17 in-hand payments available to the individual to be used as the  
18 individual sees fit, but does not mean direct or indirect compensation  
19 for training costs, such as tuition or books and supplies.

20 NEW SECTION. **Sec. 5.** If any part of this act is found to be  
21 in conflict with federal requirements which are a prescribed condition  
22 to the allocation of federal funds to the state or the eligibility of  
23 employers in this state for federal unemployment tax credits, the  
24 conflicting part of this act is hereby declared to be inoperative  
25 solely to the extent of the conflict, and such finding or determination  
26 shall not affect the operation of the remainder of this act. The rules  
27 under this act shall meet federal requirements which are a necessary  
28 condition to the receipt of federal funds by the state or the granting  
29 of federal unemployment tax credits to employers in this state.

1        NEW SECTION.    **Sec. 6.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 7.**        This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 1, 1991.