
SENATE BILL 5055

State of Washington

53rd Legislature

1993 Regular Session

By Senators Prentice and Pelz

Read first time 01/11/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to unemployment compensation during labor disputes;
2 amending RCW 50.20.090 and 50.29.020; creating new sections; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 50.20.090 and 1988 c 83 s 1 are each amended to read
6 as follows:

7 (1) An individual shall be disqualified for benefits for any week
8 with respect to which the commissioner finds that the individual's
9 unemployment is((÷

10 ~~(a))~~ due to a strike at the factory, establishment, or other
11 premises at which the individual is or was last employed((÷or

12 ~~(b) Due to a lockout by his or her employer who is a member of a~~
13 ~~multi-employer bargaining unit and who has locked out the employees at~~
14 ~~the factory, establishment, or other premises at which the individual~~
15 ~~is or was last employed after one member of the multi-employer~~
16 ~~bargaining unit has been struck by its employees as a result of the~~
17 ~~multi-employer bargaining process)).~~

18 (2) Subsection (1) of this section shall not apply if it is shown
19 to the satisfaction of the commissioner that:

1 (a) The individual is not participating in or financing or directly
2 interested in the strike ((~~or~~ ~~lockout~~)) that caused the individual's
3 unemployment; and

4 (b) The individual does not belong to a grade or class of workers
5 of which, immediately before the commencement of the strike ((~~or~~
6 ~~lockout~~)), there were members employed at the premises at which the
7 strike ((~~or~~ ~~lockout~~)) occurs, any of whom are participating in or
8 financing or directly interested in the strike ((~~or~~ ~~lockout~~):
9 PROVIDED, That if in any case separate branches of work which are
10 commonly conducted as separate businesses in separate premises are
11 conducted in separate departments of the same premises, each such
12 department shall, for the purpose of this subdivision, be deemed to be
13 a separate factory, establishment, or other premises.

14 (3) Any disqualification imposed under this section shall end when
15 the strike ((~~or~~ ~~lockout~~)) is terminated.

16 **Sec. 2.** RCW 50.29.020 and 1991 c 129 s 1 are each amended to read
17 as follows:

18 (1) An experience rating account shall be established and
19 maintained for each employer, except employers as described in RCW
20 50.44.010 and 50.44.030 who have properly elected to make payments in
21 lieu of contributions, taxable local government employers as described
22 in RCW 50.44.035, and those employers who are required to make payments
23 in lieu of contributions, based on existing records of the employment
24 security department. Benefits paid to any eligible individuals shall
25 be charged to the experience rating accounts of each of such
26 individual's employers during the individual's base year in the same
27 ratio that the wages paid by each employer to the individual during the
28 base year bear to the wages paid by all employers to that individual
29 during that base year, except as otherwise provided in this section.

30 (2) The legislature finds that certain benefit payments, in whole
31 or in part, should not be charged to the experience rating accounts of
32 employers except those employers described in RCW 50.44.010 and
33 50.44.030 who have properly elected to make payments in lieu of
34 contributions, taxable local government employers described in RCW
35 50.44.035, and those employers who are required to make payments in
36 lieu of contributions, as follows:

1 (a) Benefits paid to any individuals later determined to be
2 ineligible shall not be charged to the experience rating account of any
3 contribution paying employer.

4 (b) Benefits paid to an individual under the provisions of RCW
5 50.12.050 shall not be charged to the account of any contribution
6 paying employer if the wage credits earned in this state by the
7 individual during his or her base year are less than the minimum amount
8 necessary to qualify the individual for unemployment benefits.

9 (c) Benefits paid to an individual filing under the provisions of
10 chapter 50.06 RCW shall not be charged to the experience rating account
11 of any contribution paying employer.

12 (d) Benefits paid which represent the state's share of benefits
13 payable under chapter 50.22 RCW shall not be charged to the experience
14 rating account of any contribution paying employer.

15 (e) In the case of individuals who requalify for benefits under RCW
16 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
17 the disqualifying separation shall not be charged to the experience
18 rating account of the contribution paying employer from whom that
19 separation took place.

20 (f)(i) ~~Benefits paid to an individual as the result of ((a~~
21 ~~determination by the commissioner that no stoppage of work exists,~~
22 ~~pursuant to RCW 50.20.090, shall not be charged to the experience~~
23 ~~rating account of any contribution paying employer.~~

24 ~~(ii) Benefits paid to an individual under RCW 50.20.090(1) for~~
25 ~~weeks of unemployment ending before February 20, 1987,)) the chapter~~
26 ~~. . . , Laws of 1993 (section 1 of this act) amendment to RCW~~
27 ~~50.20.090(1) for weeks of unemployment ending before the effective date~~
28 ~~of this act shall not be charged to the experience rating account of~~
29 ~~any base year employer.~~

30 (g) In the case of individuals identified under RCW 50.20.015,
31 benefits paid with respect to a calendar quarter, which exceed the
32 total amount of wages earned in the state of Washington in the higher
33 of two corresponding calendar quarters included within the individual's
34 determination period, as defined in RCW 50.20.015, shall not be charged
35 to the experience rating account of any contribution paying employer.

36 (h) Beginning July 1, 1985, a contribution-paying base year
37 employer, not otherwise eligible for relief of charges for benefits
38 under this section, may receive such relief if:

1 (i) The benefit charges result from payment to an individual who
2 last left the employ of such employer voluntarily for reasons not
3 attributable to the employer, or was discharged for misconduct
4 connected with his or her work; and

5 (ii) The employer requests relief of charges in writing within
6 thirty days following mailing to the last known address of the
7 notification of the initial determination of such a claim, stating the
8 date and reason for the last leaving; and

9 (iii) Upon investigation of the separation, the commissioner rules
10 that the relief should be granted.

11 (i) An employer who employed a claimant during the claimant's base
12 year, and who continues to employ the claimant, is eligible for relief
13 of benefit charges if relief is requested in writing within thirty days
14 of notification by the department of the claimant's application for
15 initial determination of eligibility. Relief of benefit charges shall
16 cease when the employment relationship with the claimant ends. This
17 subsection shall not apply to shared work employers under chapter 50.60
18 RCW.

19 (j) Benefits paid to an individual who does not successfully
20 complete an approved on-the-job training program under RCW 50.12.240
21 shall not be charged to the experience rating account of the
22 contribution paying employer who provided the approved on-the-job
23 training.

24 (k) Benefits paid resulting from a closure or severe curtailment of
25 operations at the employer's plant, building, work site, or facility
26 due to damage caused by fire, flood, or other natural disaster shall
27 not be charged to the experience rating account of the employer if:

28 (i) The employer petitions for relief of charges; and

29 (ii) The commissioner approves granting relief of charges.

30 NEW SECTION. **Sec. 3.** Section 1 of this act shall apply
31 retrospectively to all applicable employers and employees as of May 1,
32 1989.

33 NEW SECTION. **Sec. 4.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state or the eligibility of
4 employers in this state for federal unemployment tax credits, the
5 conflicting part of this act is hereby declared to be inoperative
6 solely to the extent of the conflict, and such finding or determination
7 shall not affect the operation of the remainder of this act. The rules
8 under this act shall meet federal requirements that are a necessary
9 condition to the receipt of federal funds by the state or the granting
10 of federal unemployment tax credits to employers in this state.

11 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.

--- END ---