
SENATE BILL 6526

State of Washington

61st Legislature

2010 Regular Session

By Senators Kohl-Welles, Franklin, Regala, Keiser, McDermott, and Kline; by request of Employment Security Department

Read first time 01/15/10. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to allowing certain individuals to seek part-time
2 employment while maintaining eligibility for unemployment insurance in
3 order to qualify for the unemployment insurance modernization incentive
4 provisions of the American recovery and reinvestment act of 2009;
5 amending RCW 50.04.310, 50.20.119, and 50.20.100; creating a new
6 section; and providing an effective date.

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

8 **Sec. 1.** RCW 50.04.310 and 2007 c 146 s 5 are each amended to read
9 as follows:

10 (1) An individual is "unemployed" in any week during which the
11 individual performs no services and with respect to which no
12 remuneration is payable to the individual, or in any week of less than
13 full time work, if the remuneration payable to the individual with
14 respect to such week is less than one and one-third times the
15 individual's weekly benefit amount plus five dollars. The commissioner
16 shall prescribe regulations applicable to unemployed individuals making
17 such distinctions in the procedures as to such types of unemployment as
18 the commissioner deems necessary.

1 (2) An individual is not "unemployed" during any week which falls
2 totally within a period during which the individual, pursuant to a
3 collective bargaining agreement or individual employment contract, is
4 employed full time in accordance with a definition of full time
5 contained in the agreement or contract, and for which compensation for
6 full time work is payable. This subsection may not be applied
7 retroactively to an individual who had no guarantee of work at the
8 start of such period and subsequently is provided additional work by
9 the employer.

10 (3) An individual is not "unemployed" if he or she earned wages in
11 part-time work as defined in RCW 50.20.119 and accepts suitable work as
12 defined in RCW 50.20.100.

13 (4) An officer of a corporation who owns ten percent or more of the
14 outstanding stock of the corporation, or a corporate officer who is a
15 family member of an officer who owns ten percent or more of the
16 outstanding stock of the corporation, whose claim for benefits is based
17 on any wages with that corporation, is:

18 (a) Not "unemployed" in any week during the individual's term of
19 office or ownership in the corporation, even if wages are not being
20 paid;

21 (b) "Unemployed" in any week upon dissolution of the corporation or
22 if the officer permanently resigns or is permanently removed from their
23 appointment and responsibilities with that corporation in accordance
24 with its articles of incorporation or bylaws.

25 As used in this section, "family member" means persons who are
26 members of a family by blood or marriage as parents, stepparents,
27 grandparents, spouses, children, brothers, sisters, stepchildren,
28 adopted children, or grandchildren.

29 **Sec. 2.** RCW 50.20.119 and 2006 c 13 s 15 are each amended to read
30 as follows:

31 (1) With respect to claims that have an effective date on or after
32 January 2, 2005, and before January 2, 2011:

33 (a) An otherwise eligible individual may not be denied benefits for
34 any week because the individual is a part-time worker and is available
35 for, seeks, applies for, or accepts only work of seventeen or fewer
36 hours per week by reason of the application of RCW 50.20.010(1)(c),

1 50.20.080, or 50.22.020(1) relating to availability for work and active
2 search for work, or failure to apply for or refusal to accept suitable
3 work.

4 ~~((+2))~~ (b) For purposes of this ~~((section))~~ subsection, "part-time
5 worker" means an individual who: ~~((+a))~~ (i) Earned wages in
6 "employment" in at least forty weeks in the individual's base year; and
7 ~~((+b))~~ (ii) did not earn wages in "employment" in more than seventeen
8 hours per week in any weeks in the individual's base year.

9 (2) With respect to claims that have an effective date on or after
10 January 2, 2011, an otherwise eligible individual may not be denied
11 benefits for any week solely because the individual is seeking only
12 part-time work and is available for, is actively searching for, applies
13 for, or accepts only part-time work by reason of the application of RCW
14 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability
15 for work and active search for work or failure to apply for or refusal
16 to accept suitable work, if the department determines that a majority
17 of the weeks of work in the individual's base period were for part-time
18 work. For purposes of this subsection:

19 (a) "Part-time work" means work of fewer than thirty-five hours per
20 week; and

21 (b) "Seeking only part-time work" means seeking work that has
22 comparable hours to the claimant's part-time work experience in the
23 base period, except that a claimant must be available for at least
24 twenty hours of work per week.

25 **Sec. 3.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to read
26 as follows:

27 (1) Suitable work for an individual is employment in an occupation
28 in keeping with the individual's prior work experience, education, or
29 training and if the individual has no prior work experience, special
30 education, or training for employment available in the general area,
31 then employment which the individual would have the physical and mental
32 ability to perform. In determining whether work is suitable for an
33 individual, the commissioner shall also consider the degree of risk
34 involved to the individual's health, safety, and morals, the
35 individual's physical fitness, the individual's length of unemployment
36 and prospects for securing local work in the individual's customary

1 occupation, the distance of the available work from the individual's
2 residence, and such other factors as the commissioner may deem
3 pertinent, including state and national emergencies.

4 (2) For individuals with base year work experience in agricultural
5 labor, any agricultural labor available from any employer shall be
6 deemed suitable unless it meets conditions in RCW 50.20.110 or the
7 commissioner finds elements of specific work opportunity unsuitable for
8 a particular individual.

9 (3) For part-time workers as defined in RCW 50.20.119, suitable
10 work (~~includes~~) for an individual in employment in suitable work
11 under subsection (1) of this section:

12 (a) With respect to claims that have an effective date on or after
13 January 3, 2005, and before January 2, 2011, is employment that is for
14 seventeen or fewer hours per week.

15 (b) With respect to claims that have an effective date on or after
16 January 2, 2011, is employment for a number of hours per week that is
17 comparable to the number of hours worked per week for a majority of
18 weeks in employment in the individual's base year, but no less than
19 twenty hours per week.

20 (4) For individuals who have qualified for unemployment
21 compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as
22 applicable, an evaluation of the suitability of the work must consider
23 the individual's need to address the physical, psychological, legal,
24 and other effects of domestic violence or stalking.

25 NEW SECTION. Sec. 4. If any part of this act is found to be in
26 conflict with federal requirements that are a prescribed condition to
27 the allocation of federal funds to the state or the eligibility of
28 employers in this state for federal unemployment tax credits, the
29 conflicting part of this act is inoperative solely to the extent of the
30 conflict, and the finding or determination does not affect the
31 operation of the remainder of this act. Rules adopted under this act
32 must meet federal requirements that are a necessary condition to the
33 receipt of federal funds by the state or the granting of federal
34 unemployment tax credits to employers in this state.

35 NEW SECTION. Sec. 5. If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 6.** This act takes effect January 2, 2011.

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