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**HOUSE BILL 1448**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Mosbrucker, Griffey, Sutherland, Graham, Dent, Volz, and Jacobsen

AN ACT Relating to prohibiting the deduction of payments to volunteer firefighters from unemployment insurance benefits; amending RCW 50.04.310 and 50.20.130; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that volunteer firefighters provide a valuable service for communities. In some areas of the state, particularly in more rural areas, a fire protection district may rely solely on volunteer firefighters to provide this critical service.

(2) The legislature further finds that volunteer firefighters may receive some reimbursement for their contributions. These payments are not equivalent to compensation for their volunteer duties, and volunteers do not expect acceptance of such reimbursement to impact their eligibility or potential benefits under the unemployment insurance system if they were to lose their primary employment.

(3) The legislature therefore intends to exclude such payments received for service as a volunteer firefighter from unemployment insurance eligibility and benefit determinations.

**Sec.**  RCW 50.04.310 and 2013 c 66 s 1 are each amended to read as follows:

(1)(a) An individual:

((~~(a)~~)) (i) Is "unemployed" in any week during which the individual performs no services and with respect to which no remuneration is payable to the individual, or in any week of less than full time work, if the remuneration payable to the individual with respect to such week is less than one and one-third times the individual's weekly benefit amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

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

(b) For purposes of (a)(i) of this subsection, payments for services as a volunteer firefighter are not considered remuneration.

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

(i) Is not "unemployed" in any week during the individual's term of office or ownership in the corporation, even if wages are not being paid, unless the corporate officer's covered base year wages with that corporation are less than twenty-five percent of his or her total covered base year wages.

(ii) Is "unemployed" in any week upon dissolution of the corporation or if the officer permanently resigns or is permanently removed from their appointment and responsibilities with that corporation in accordance with its articles of incorporation or bylaws or if the corporate officer's covered base year wages with that corporation are less than twenty-five percent of his or her total covered base year wages.

(b) As used in this subsection (2), "family member" means persons who are members of a family by blood or marriage as parents, stepparents, grandparents, spouses, children, brothers, sisters, stepchildren, adopted children, or grandchildren.

**Sec.**  RCW 50.20.130 and 2011 c 4 s 13 are each amended to read as follows:

(1) If an eligible individual is available for work for less than a full week, he or she shall be paid his or her weekly benefit amount reduced by one-seventh of such amount for each day that he or she is unavailable for work: PROVIDED, That if he or she is unavailable for work for three days or more of a week, he or she shall be considered unavailable for the entire week.

(2) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his or her weekly benefit amount less:

(a) Seventy-five percent of that part of the remuneration (if any) payable to him or her with respect to such week which is in excess of five dollars; or

(b) For any weeks in which the individual is receiving training benefits as provided in RCW 50.22.155(2), half of that part of the remuneration (if any) payable to him or her with respect to such week which is in excess of five dollars.

(3) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(4) For purposes of this section, payments for services as a volunteer firefighter are not considered remuneration.

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

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