
ENGROSSED SUBSTITUTE HOUSE BILL 2438

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Prentice, Franklin, R. King, Jones, G. Cole, Basich and J. Kohl)

Read first time 02/07/92.

1 AN ACT Relating to unemployment insurance for persons reentering
2 the work force; amending RCW 50.06.010, 50.06.020, and 50.06.030; and
3 creating a new section.

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

5 **Sec. 1.** RCW 50.06.010 and 1984 c 65 s 1 are each amended to read
6 as follows:

7 This chapter is enacted for the purpose of providing the protection
8 of the unemployment compensation system to persons who have suffered a
9 temporary total disability (~~compensable under industrial insurance or~~
10 ~~crime victims compensation laws~~) and is a recognition by this
11 legislature of the economic hardship confronting those persons who have
12 not been promptly reemployed after a prolonged period of temporary
13 total disability.

1 **Sec. 2.** RCW 50.06.020 and 1984 c 65 s 2 are each amended to read
2 as follows:

3 The benefits of this chapter shall be allowed only to:

4 (1) Individuals who have suffered a temporary total disability and
5 have received compensation under the industrial insurance or crime
6 victims compensation laws of this state, any other state or the United
7 States for a period of not less than thirteen consecutive calendar
8 weeks by reason of such temporary total disability (~~shall be allowed~~
9 ~~the benefits of this chapter~~); or

10 (2) Individuals who are reentering the work force after an absence
11 of not less than thirteen consecutive calendar weeks resulting from
12 temporary total physical disability because of a nonwork-related injury
13 or illness.

14 **Sec. 3.** RCW 50.06.030 and 1987 c 278 s 3 are each amended to read
15 as follows:

16 (1) In the case of individuals eligible under RCW 50.06.020(1), an
17 application for initial determination made pursuant to this chapter, to
18 be considered timely, must be filed in writing with the employment
19 security department within twenty-six weeks following the week in which
20 the period of temporary total disability commenced. Notice from the
21 department of labor and industries shall satisfy this requirement. The
22 records of the agency supervising the award of compensation shall be
23 conclusive evidence of the fact of temporary disability and the
24 beginning date of such disability.

25 (2) In the case of individuals eligible under RCW 50.06.020(2), an
26 application for initial determination must be filed in writing with the
27 employment security department within twenty-six weeks following the
28 week in which the period of temporary total physical disability
29 commenced. This filing requirement is satisfied by filing a signed

1 statement from the attending physician stating the date that the
2 disability commenced and stating that the individual was unable to
3 reenter the work force during the time of the disability. The
4 department may examine any medical information related to the
5 disability. If the claim is appealed, a base year employer may examine
6 the medical information related to the disability and require, at the
7 employer's expense, that the individual obtain the opinion of a second
8 health care provider selected by the employer concerning any
9 information related to the disability.

10 (3) The employment security department shall process and issue an
11 initial determination of entitlement or nonentitlement as the case may
12 be.

13 (4) For the purpose of this chapter, a special base year is
14 established for an individual consisting of either the first four of
15 the last five completed calendar quarters or the last four completed
16 calendar quarters immediately prior to the first day of the calendar
17 week in which the individual's temporary total disability commenced,
18 and a special individual benefit year is established consisting of the
19 entire period of disability and a fifty-two consecutive week period
20 commencing with the first day of the calendar week immediately
21 following the week or part thereof with respect to which the individual
22 received his final temporary total disability compensation under the
23 applicable industrial insurance or crime victims compensation laws, or
24 the week in which the individual filed an application of initial
25 determination, as applicable, except that no special benefit year shall
26 have a duration in excess of three hundred twelve calendar weeks:
27 PROVIDED HOWEVER, That such special benefit year will not be
28 established unless the criteria contained in RCW 50.04.030 has been
29 met, except that an individual meeting the ~~((disability and filing))~~
30 eligibility requirements of this chapter and who has an unexpired

1 benefit year established which would overlap the special benefit year
2 provided by this chapter, notwithstanding the provisions in RCW
3 50.04.030 relating to the establishment of a subsequent benefit year
4 and RCW 50.40.010 relating to waiver of rights, may elect to establish
5 a special benefit year under this chapter: PROVIDED FURTHER, that the
6 unexpired benefit year shall be terminated with the beginning of the
7 special benefit year if the individual elects to establish such special
8 benefit year.

9 (5) For the purposes of establishing a benefit year, the department
10 shall initially use the first four of the last five completed calendar
11 quarters as the base year. If a benefit year is not established using
12 the first four of the last five calendar quarters as the base year, the
13 department shall use the last four completed calendar quarters as the
14 base year.

15 NEW SECTION. **Sec. 4.** If any part of this act is found to be
16 in conflict with federal requirements which are a prescribed condition
17 to the allocation of federal funds to the state or the eligibility of
18 employers in this state for federal unemployment tax credits, the
19 conflicting part of this act is hereby declared to be inoperative
20 solely to the extent of the conflict, and such finding or determination
21 shall not affect the operation of the remainder of this act. The rules
22 under this act shall meet federal requirements which are a necessary
23 condition to the receipt of federal funds by the state or the granting
24 of federal unemployment tax credits to employers in this state.

25 NEW SECTION. **Sec. 5.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.