
SUBSTITUTE SENATE BILL 5465

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Vognild, Moore, Sutherland and Fraser)

Read first time 03/03/93.

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.

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

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

17 (1) Individuals who have suffered a temporary total disability and
18 have received compensation under the industrial insurance or crime

1 victims compensation laws of this state, any other state or the United
2 States for a period of not less than thirteen consecutive calendar
3 weeks by reason of such temporary total disability (~~shall be allowed~~
4 ~~the benefits of this chapter~~); or

5 (2) Individuals who are reentering the work force after an absence
6 of not less than thirteen consecutive calendar weeks resulting from
7 temporary total physical disability because of a nonwork-related injury
8 or illness: PROVIDED, That individuals authorized to receive benefits
9 under this subsection are required to meet other eligibility
10 requirements under Title 50 RCW.

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

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

22 (2) In the case of individuals eligible under RCW 50.06.020(2), an
23 application for initial determination must be filed in writing with the
24 employment security department within twenty-six weeks following the
25 week in which the period of temporary total physical disability
26 commenced. This filing requirement is satisfied by filing a signed
27 statement from the attending physician stating the date that the
28 disability commenced and stating that the individual was unable to
29 reenter the work force during the time of the disability. The
30 department may examine any medical information related to the
31 disability. If the claim is appealed, a base year employer may examine
32 the medical information related to the disability and require, at the
33 employer's expense, that the individual obtain the opinion of a second
34 health care provider selected by the employer concerning any
35 information related to the disability.

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

1 (4) For the purpose of this chapter, a special base year is
2 established for an individual consisting of either the first four of
3 the last five completed calendar quarters or the last four completed
4 calendar quarters immediately prior to the first day of the calendar
5 week in which the individual's temporary total disability commenced,
6 and a special individual benefit year is established consisting of the
7 entire period of disability and a fifty-two consecutive week period
8 commencing with the first day of the calendar week immediately
9 following the week or part thereof with respect to which the individual
10 received his final temporary total disability compensation under the
11 applicable industrial insurance or crime victims compensation laws, or
12 the week in which the individual reentered the work force after an
13 absence under subsection (2) of this section, as applicable, except
14 that no special benefit year shall have a duration in excess of three
15 hundred twelve calendar weeks: PROVIDED HOWEVER, That such special
16 benefit year will not be established unless the criteria contained in
17 RCW 50.04.030 has been met, except that an individual meeting the
18 ((~~disability and filing~~)) eligibility requirements of this chapter and
19 who has an unexpired benefit year established which would overlap the
20 special benefit year provided by this chapter, notwithstanding the
21 provisions in RCW 50.04.030 relating to the establishment of a
22 subsequent benefit year and RCW 50.40.010 relating to waiver of rights,
23 may elect to establish a special benefit year under this chapter:
24 PROVIDED FURTHER, that the unexpired benefit year shall be terminated
25 with the beginning of the special benefit year if the individual elects
26 to establish such special benefit year.

27 (5) For the purposes of establishing a benefit year, the department
28 shall initially use the first four of the last five completed calendar
29 quarters as the base year. If a benefit year is not established using
30 the first four of the last five calendar quarters as the base year, the
31 department shall use the last four completed calendar quarters as the
32 base year.

33 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
34 conflict with federal requirements which are a prescribed condition to
35 the allocation of federal funds to the state or the eligibility of
36 employers in this state for federal unemployment tax credits, the
37 conflicting part of this act is hereby declared to be inoperative
38 solely to the extent of the conflict, and such finding or determination

1 shall not affect the operation of the remainder of this act. The rules
2 under this act shall meet federal requirements which are a necessary
3 condition to the receipt of federal funds by the state or the granting
4 of federal unemployment tax credits to employers in this state.

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

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