
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4576.1/02

ATTY/TYPIST: KB:rmh

BRIEF DESCRIPTION:

2 **SHB 2355** - S COMM AMD
3 By Committee on Ways & Means

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that family and
8 medical leave is designed to help working people fulfill both their
9 work and family responsibilities. The legislature also finds that,
10 when an individual who takes family and medical leave subsequently
11 becomes eligible to receive unemployment compensation, the maximum
12 benefits payable to the individual are decreased and the weekly benefit
13 amount payable to the individual may be decreased. The legislature
14 intends to eliminate these unintended consequences of taking family and
15 medical leave.

16 **Sec. 2.** RCW 50.20.170 and 1945 c 35 s 85 are each amended to read
17 as follows:

18 (1)(a) Subject to (b) of this subsection, an individual who has
19 received an initial determination finding that he or she is potentially
20 entitled to receive waiting period credit or benefits shall, during the
21 benefit year, be given waiting period credit or be paid benefits in
22 accordance with such initial determination for any week with respect to
23 which the conditions of eligibility for such credit or benefits, as
24 prescribed by this title, are met, unless the individual is denied
25 waiting period credit or benefits under the disqualification provisions
26 of this title.

27 (b) An individual who has received an initial determination under
28 (a) of this subsection must be notified in writing that he or she is
29 entitled to a redetermination of the amount of benefits payable if he
30 or she has taken unpaid family and medical leave totaling six or more
31 weeks, whether taken consecutively or intermittently, during his or her
32 base year and if the claim equals less than thirty times the weekly
33 benefit amount. The notice must describe the method by which the
34 claimant may request a redetermination under this subsection. If the

1 notified claimant requests the redetermination, the department must
2 reevaluate the claimant's base year as provided in RCW 50.04.020(2)(b).

3 (2) All benefits shall be paid through employment offices in
4 accordance with such regulations as the commissioner may prescribe.

5 **Sec. 3.** RCW 50.04.020 and 1994 c 3 s 1 are each amended to read as
6 follows:

7 (1) "Base year" with respect to each individual, shall mean
8 ((either)) the first four of the last five completed calendar quarters
9 ((or)), the last four completed calendar quarters immediately preceding
10 the first day of the individual's benefit year, or, if applicable under
11 subsection (2) of this section, an additional base year.

12 (2)(a) Except as provided in (b) of this subsection, for the
13 purposes of establishing a benefit year, the department shall initially
14 use the first four of the last five completed calendar quarters as the
15 base year. If a benefit year is not established using the first four
16 of the last five calendar quarters as the base year, the department
17 shall use the last four completed calendar quarters as the base year.

18 (b) If a claimant requests a redetermination under RCW
19 50.20.170(1)(b), the department shall evaluate an additional base year,
20 using the four quarters with the highest wages in the last six
21 completed calendar quarters. The base year, for the purposes of
22 establishing the claimant's benefit year, must be either the base year
23 initially used under (a) of this subsection or the additional base year
24 used under this subsection, whichever base year entitles the claimant
25 to the higher maximum benefits under RCW 50.20.120(1). However, any
26 benefit year established under this subsection may not use calendar
27 quarters that were previously used to establish a prior benefit year.

28 (3) Computations using the last four completed calendar quarters
29 shall be based on available wage items processed as of the close of
30 business on the day preceding the date of application. The department
31 shall promptly contact employers to request assistance in obtaining
32 wage information for the last completed calendar quarter if it has not
33 been reported at the time of initial application.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 50.04 RCW
35 to read as follows:

1 "Family and medical leave" means leave taken under either the
2 federal family and medical leave act of 1993 (Act of Feb. 5, 1993, P.L.
3 103-3, 107 Stat. 6) or the state family leave law, chapter 49.78 RCW.

4 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state or the eligibility of
7 employers in this state for federal unemployment tax credits, the
8 conflicting part of this act is inoperative solely to the extent of the
9 conflict, and the finding or determination does not affect the
10 operation of the remainder of this act. Rules adopted under this act
11 must meet federal requirements that are a necessary condition to the
12 receipt of federal funds by the state or the granting of federal
13 unemployment tax credits to employers in this state.

14 NEW SECTION. **Sec. 6.** Sections 2 and 3 of this act apply to claims
15 that have an effective date on or after July 7, 2002."

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19 On page 1, line 2 of the title, after "leave;" strike the remainder
20 of the title and insert "amending RCW 50.20.170 and 50.04.020; adding
21 a new section to chapter 50.04 RCW; and creating new sections."

EFFECT: Clarifies that only a claimant whose initial claim was for
less than "30 times the weekly benefit amount" (which means the claim's
potential duration is less than 30 weeks) are eligible for a
redetermination of the base year. It also clarifies that these
provisions apply to new claims beginning July 7, 2002.

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