

# SENATE BILL REPORT

## SHB 2355

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As Reported By Senate Committee On:  
Labor, Commerce & Financial Institutions, February 25, 2002  
Ways & Means, February 28, 2002

**Title:** An act relating to unemployment compensation payable to individuals who took family and medical leave.

**Brief Description:** Modifying unemployment compensation payable to individuals who took family and medical leave.

**Sponsors:** House Committee on Commerce & Labor (originally sponsored by Representatives Kagi, Conway, Clements, Dickerson, McIntire and Wood).

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 2/21/02, 2/25/02 [DP-WM, DNP].

Ways & Means: 2/27/02, 2/28/02 [DPA, DNP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

**Minority Report:** Do not pass.

Signed by Senators Deccio and West.

**Staff:** Joanne Conrad (786-7472)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

**Minority Report:** Do not pass.

Signed by Senators Hewitt, Honeyford and Rossi.

**Staff:** Brian Sims (786-7431)

**Background:** The federal Family and Medical Leave Act of 1993 (FMLA) provides for up to 12 weeks of unpaid, job-protected leave for eligible employees who have worked for at

least one year for a covered employer. In addition, state law clarifies that workers may use FMLA leave for sickness or temporary disability related to pregnancy or childbirth.

However, in some cases, a person may utilize FMLA leave, and then eventually become eligible for unemployment compensation, but experience a decrease in the amount and duration of his or her unemployment benefit. This is due to the fact that unemployment compensation is determined, in part, by reference to "base years" of employment, and by looking back at the calendar quarters worked.

**Summary of Amended Bill:** The Employment Security Department (ESD) is required to notify those unemployment claimants who are eligible for benefits that they may be eligible for a benefit redetermination. If a claimant took unpaid "family and medical" leave in his or her base year, the claimant may request a base year redetermination. ESD must then evaluate a new base year, using the four calendar quarters with the highest wages out of the last six quarters, using the base year that will give the claimant the most weeks of benefits.

This process of redetermination applies to unemployment compensation claims effective July 7, 2002.

**Amended Bill Compared to Original Bill:** Only claimants whose initial claim was for less than 30 times the weekly benefit amount are eligible for a redetermination of the base year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** This bill is being worked on by the business community in an attempt to find a workable solution.

**Testified:** CON: Mark Johnson, NFIB; Clif Finch, AWB.