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**SUBSTITUTE SENATE BILL 5319**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senator Kohl-Welles; by request of Governor Gregoire)

READ FIRST TIME 02/05/09.

1       AN ACT Relating to providing economic stimulus through the  
2 unemployment insurance program; amending RCW 50.20.120, 50.29.021,  
3 50.29.025, 50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070,  
4 50.60.090, and 50.60.100; adding a new section to chapter 50.22 RCW;  
5 adding a new section to chapter 50.20 RCW; creating a new section;  
6 providing effective dates; providing an expiration date; and declaring  
7 an emergency.

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

9       **Sec. 1.** RCW 50.20.120 and 2006 c 13 s 1 are each amended to read  
10 as follows:

11       ~~(1)((a) Subject to the other provisions of this title, benefits~~  
12 ~~shall be payable to any eligible individual during the individual's~~  
13 ~~benefit year in a maximum amount equal to the lesser of thirty times~~  
14 ~~the weekly benefit amount, as determined in subsection (2) of this~~  
15 ~~section, or one third of the individual's base year wages under this~~  
16 ~~title: PROVIDED, That as to any week which falls in an extended~~  
17 ~~benefit period as defined in RCW 50.22.010(1), an individual's~~  
18 ~~eligibility for maximum benefits in excess of twenty six times his or~~

1 her weekly benefit amount will be subject to the terms and conditions  
2 set forth in RCW 50.22.020.

3 ~~(b) With respect to claims that have an effective date on or after~~  
4 ~~the first Sunday of the calendar month immediately following the month~~  
5 ~~in which the commissioner finds that the state unemployment rate is six~~  
6 ~~and eight tenths percent or less,))~~ Benefits shall be payable to any  
7 eligible individual during the individual's benefit year in a maximum  
8 amount equal to the lesser of twenty-six times the weekly benefit  
9 amount, as determined in subsection (2) of this section, or one-third  
10 of the individual's base year wages under this title.

11 (2)(a) For claims with an effective date (~~before January 4, 2004,~~  
12 ~~an individual's weekly benefit amount shall be an amount equal to one~~  
13 ~~twenty-fifth of the average quarterly wages of the individual's total~~  
14 ~~wages during the two quarters of the individual's base year in which~~  
15 ~~such total wages were highest.~~

16 ~~(b) With respect to claims with an effective date on or after~~  
17 ~~January 4, 2004, and before January 2, 2005, an individual's weekly~~  
18 ~~benefit amount shall be an amount equal to one twenty-fifth of the~~  
19 ~~average quarterly wages of the individual's total wages during the~~  
20 ~~three quarters of the individual's base year in which such total wages~~  
21 ~~were highest.~~

22 ~~(c)(i) With respect to claims with an effective date on or after~~  
23 ~~January 2, 2005, except as provided in (c)(ii) of this subsection, an~~  
24 ~~individual's weekly benefit amount shall be an amount equal to one~~  
25 ~~percent of the total wages paid in the individual's base year.~~

26 ~~(ii) With respect to claims with an effective date on or after the~~  
27 ~~first Sunday following)) April ((22)) 24, 2005, an individual's weekly~~  
28 ~~benefit amount shall be an amount equal to three and eighty-five one-~~  
29 ~~hundredths percent of the average quarterly wages of the individual's~~  
30 ~~total wages during the two quarters of the individual's base year in~~  
31 ~~which such total wages were highest.~~

32 (b) Beginning Sunday, May 3, 2009, an individual's weekly benefit  
33 amount shall be the amount established under (a) of this subsection  
34 plus an additional forty-five dollars, subject to the following:

35 (i) For claims with an effective date on or after May 3, 2009, and  
36 ending with claims with an effective date before January 3, 2010, an  
37 individual's weekly benefit amount shall be the amount established  
38 under (a) of this subsection plus an additional forty-five dollars.

1 The additional forty-five dollars is payable for all weeks of regular,  
2 extended, emergency, supplemental, or additional benefits on that  
3 claim.

4 (ii) For claims with an effective date before May 3, 2009, an  
5 individual's weekly benefit amount shall be increased by forty-five  
6 dollars for weeks beginning May 3, 2009, subject to the following:

7 (A) For individuals with a balance of regular unemployment  
8 benefits, the forty-five dollars is payable for all remaining weeks of  
9 regular, extended, emergency, supplemental, or additional benefits on  
10 that claim.

11 (B) For individuals who have exhausted regular benefits but have a  
12 balance of training benefits as provided in RCW 50.22.150 or section 5  
13 of this act, the forty-five dollars is payable for all remaining weeks  
14 of training benefits but not for weeks of extended, emergency,  
15 supplemental, or additional benefits on that claim unless specifically  
16 authorized under federal or state law.

17 (iii) The additional forty-five dollars authorized under this  
18 subsection shall increase the maximum amount payable weekly  
19 irrespective of the provisions of subsection (3)(a) of this section.

20 (iv) The additional forty-five dollars shall serve to increase the  
21 maximum benefits payable to the individual under subsection (1) of this  
22 section by a corresponding amount.

23 (v) Except as otherwise provided in this subsection (2)(b), payment  
24 of benefits for individuals whose weekly benefit amount includes the  
25 forty-five dollars established under this subsection shall be subject  
26 to the same terms and conditions under this title that apply to the  
27 payment of benefits to an individual whose weekly benefit amount is  
28 established under (a) of this subsection.

29 (vi) This subsection (2)(b) expires January 2, 2010. For claims  
30 effective on or after January 3, 2010, the maximum benefits payable  
31 will be determined under subsection (1) of this section, the weekly  
32 benefit amount will be determined under (a) of this subsection, and the  
33 maximum weekly benefit payable will be determined under subsection  
34 (3)(a) of this section.

35 (3) The maximum and minimum amounts payable weekly shall be  
36 determined as of each June 30th to apply to benefit years beginning in  
37 the twelve-month period immediately following such June 30th.

1           (a) ~~((i) With respect to claims that have an effective date before~~  
2 ~~January 4, 2004, the maximum amount payable weekly shall be seventy~~  
3 ~~percent of the "average weekly wage" for the calendar year preceding~~  
4 ~~such June 30th.~~

5           ~~(ii))~~) With respect to claims that have an effective date on or  
6 after January 4, 2004, the maximum amount payable weekly shall be  
7 either four hundred ninety-six dollars or sixty-three percent of the  
8 "average weekly wage" for the calendar year preceding such June 30th,  
9 whichever is greater.

10           (b) The minimum amount payable weekly shall be fifteen percent of  
11 the "average weekly wage" for the calendar year preceding such June  
12 30th.

13           (4) If any weekly benefit, maximum benefit, or minimum benefit  
14 amount computed herein is not a multiple of one dollar, it shall be  
15 reduced to the next lower multiple of one dollar.

16           **Sec. 2.** RCW 50.29.021 and 2008 c 323 s 2 are each amended to read  
17 as follows:

18           (1) This section applies to benefits charged to the experience  
19 rating accounts of employers for claims that have an effective date on  
20 or after January 4, 2004.

21           (2)(a) An experience rating account shall be established and  
22 maintained for each employer, except employers as described in RCW  
23 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
24 payments in lieu of contributions, taxable local government employers  
25 as described in RCW 50.44.035, and those employers who are required to  
26 make payments in lieu of contributions, based on existing records of  
27 the employment security department.

28           (b) Benefits paid to an eligible individual shall be charged to the  
29 experience rating accounts of each of such individual's employers  
30 during the individual's base year in the same ratio that the wages paid  
31 by each employer to the individual during the base year bear to the  
32 wages paid by all employers to that individual during that base year,  
33 except as otherwise provided in this section.

34           (c) When the eligible individual's separating employer is a covered  
35 contribution paying base year employer, benefits paid to the eligible  
36 individual shall be charged to the experience rating account of only

1 the individual's separating employer if the individual qualifies for  
2 benefits under:

3 (i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed  
4 after having worked and earned wages in the bona fide work; or

5 (ii) RCW 50.20.050(2)(b) (v) through (x).

6 (3) The legislature finds that certain benefit payments, in whole  
7 or in part, should not be charged to the experience rating accounts of  
8 employers except those employers described in RCW 50.44.010, 50.44.030,  
9 and 50.50.030 who have properly elected to make payments in lieu of  
10 contributions, taxable local government employers described in RCW  
11 50.44.035, and those employers who are required to make payments in  
12 lieu of contributions, as follows:

13 (a) Benefits paid to any individual later determined to be  
14 ineligible shall not be charged to the experience rating account of any  
15 contribution paying employer. However, when a benefit claim becomes  
16 invalid due to an amendment or adjustment of a report where the  
17 employer failed to report or inaccurately reported hours worked or  
18 remuneration paid, or both, all benefits paid will be charged to the  
19 experience rating account of the contribution paying employer or  
20 employers that originally filed the incomplete or inaccurate report or  
21 reports. An employer who reimburses the trust fund for benefits paid  
22 to workers and who fails to report or inaccurately reported hours  
23 worked or remuneration paid, or both, shall reimburse the trust fund  
24 for all benefits paid that are based on the originally filed incomplete  
25 or inaccurate report or reports.

26 (b) Benefits paid to an individual filing under the provisions of  
27 chapter 50.06 RCW shall not be charged to the experience rating account  
28 of any contribution paying employer only if:

29 (i) The individual files under RCW 50.06.020(1) after receiving  
30 crime victims' compensation for a disability resulting from a nonwork-  
31 related occurrence; or

32 (ii) The individual files under RCW 50.06.020(2).

33 (c) Benefits paid which represent the state's share of benefits  
34 payable as extended benefits defined under RCW 50.22.010(6) shall not  
35 be charged to the experience rating account of any contribution paying  
36 employer.

37 (d) In the case of individuals who requalify for benefits under RCW  
38 50.20.050 or 50.20.060, benefits based on wage credits earned prior to

1 the disqualifying separation shall not be charged to the experience  
2 rating account of the contribution paying employer from whom that  
3 separation took place.

4 (e) Benefits paid to an individual who qualifies for benefits under  
5 RCW 50.20.050(2)(b) (iv) or (xi), as applicable, shall not be charged  
6 to the experience rating account of any contribution paying employer.

7 (f) With respect to claims with an effective date on or after the  
8 first Sunday following April 22, 2005, benefits paid that exceed the  
9 benefits that would have been paid if the weekly benefit amount for the  
10 claim had been determined as one percent of the total wages paid in the  
11 individual's base year shall not be charged to the experience rating  
12 account of any contribution paying employer.

13 (g) The forty-five dollar increase paid as part of an individual's  
14 weekly benefit amount as provided in RCW 50.20.120(2)(b) shall not be  
15 charged to the experience rating account of any contribution paying  
16 employer.

17 (h) Training benefits paid to an individual under section 5 of this  
18 act shall not be charged to the experience rating account of any  
19 contribution paying employer.

20 (4)(a) A contribution paying base year employer, not otherwise  
21 eligible for relief of charges for benefits under this section, may  
22 receive such relief if the benefit charges result from payment to an  
23 individual who:

24 (i) Last left the employ of such employer voluntarily for reasons  
25 not attributable to the employer;

26 (ii) Was discharged for misconduct or gross misconduct connected  
27 with his or her work not a result of inability to meet the minimum job  
28 requirements;

29 (iii) Is unemployed as a result of closure or severe curtailment of  
30 operation at the employer's plant, building, worksite, or other  
31 facility. This closure must be for reasons directly attributable to a  
32 catastrophic occurrence such as fire, flood, or other natural disaster;  
33 or

34 (iv) Continues to be employed on a regularly scheduled permanent  
35 part-time basis by a base year employer and who at some time during the  
36 base year was concurrently employed and subsequently separated from at  
37 least one other base year employer. Benefit charge relief ceases when

1 the employment relationship between the employer requesting relief and  
2 the claimant is terminated. This subsection does not apply to shared  
3 work employers under chapter 50.06 RCW.

4 (b) The employer requesting relief of charges under this subsection  
5 must request relief in writing within thirty days following mailing to  
6 the last known address of the notification of the valid initial  
7 determination of such claim, stating the date and reason for the  
8 separation or the circumstances of continued employment. The  
9 commissioner, upon investigation of the request, shall determine  
10 whether relief should be granted.

11 **Sec. 3.** RCW 50.29.025 and 2007 c 51 s 1 are each amended to read  
12 as follows:

13 (1) Except as provided in subsection (2) of this section, the  
14 contribution rate for each employer subject to contributions under RCW  
15 50.24.010 shall be determined under this subsection.

16 (a) A fund balance ratio shall be determined by dividing the  
17 balance in the unemployment compensation fund as of the September 30th  
18 immediately preceding the rate year by the total remuneration paid by  
19 all employers subject to contributions during the second calendar year  
20 preceding the rate year and reported to the department by the following  
21 March 31st. The division shall be carried to the fourth decimal place  
22 with the remaining fraction, if any, disregarded. The fund balance  
23 ratio shall be expressed as a percentage.

24 (b) The interval of the fund balance ratio, expressed as a  
25 percentage, shall determine which tax schedule in (e) of this  
26 subsection shall be in effect for assigning tax rates for the rate  
27 year. The intervals for determining the effective tax schedule shall  
28 be:

29	Interval of the	
30	Fund Balance Ratio	Effective
31	Expressed as a Percentage	Tax Schedule
32	2.90 and above	AA
33	2.10 to 2.89	A
34	1.70 to 2.09	B
35	1.40 to 1.69	C

1	1.00 to 1.39	D
2	0.70 to 0.99	E
3	Less than 0.70	F

4 (c) An array shall be prepared, listing all qualified employers in  
5 ascending order of their benefit ratios. The array shall show for each  
6 qualified employer: (i) Identification number; (ii) benefit ratio;  
7 (iii) taxable payrolls for the four calendar quarters immediately  
8 preceding the computation date and reported to the department by the  
9 cut-off date; (iv) a cumulative total of taxable payrolls consisting of  
10 the employer's taxable payroll plus the taxable payrolls of all other  
11 employers preceding him or her in the array; and (v) the percentage  
12 equivalent of the cumulative total of taxable payrolls.

13 (d) Each employer in the array shall be assigned to one of twenty  
14 rate classes according to the percentage intervals of cumulative  
15 taxable payrolls set forth in (e) of this subsection: PROVIDED, That  
16 if an employer's taxable payroll falls within two or more rate classes,  
17 the employer and any other employer with the same benefit ratio shall  
18 be assigned to the lowest rate class which includes any portion of the  
19 employer's taxable payroll.

20 (e) Except as provided in RCW 50.29.026, the contribution rate for  
21 each employer in the array shall be the rate specified in the following  
22 tables for the rate class to which he or she has been assigned, as  
23 determined under (d) of this subsection, within the tax schedule which  
24 is to be in effect during the rate year:

25	Percent of									
26	Cumulative			Schedules of Contributions Rates						
27	Taxable Payrolls			for Effective Tax Schedule						
28	Rate									
29	From	To	Class	AA	A	B	C	D	E	F
30	0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
31	5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
32	10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
33	15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
34	20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
35	25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
36	30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
37										

1	35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
2	40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
3	45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
4	50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
5	55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
6	60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
7	65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
8	70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
9	75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
10	80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
11	85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
12	90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
13	95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

14 (f) The contribution rate for each employer not qualified to be in  
15 the array shall be as follows:

16 (i) Employers who do not meet the definition of "qualified  
17 employer" by reason of failure to pay contributions when due shall be  
18 assigned a contribution rate two-tenths higher than that in rate class  
19 20 for the applicable rate year, except employers who have an approved  
20 agency-deferred payment contract by September 30 of the previous rate  
21 year. If any employer with an approved agency-deferred payment  
22 contract fails to make any one of the succeeding deferred payments or  
23 fails to submit any succeeding tax report and payment in a timely  
24 manner, the employer's tax rate shall immediately revert to a  
25 contribution rate two-tenths higher than that in rate class 20 for the  
26 applicable rate year; and

27 (ii) For all other employers not qualified to be in the array, the  
28 contribution rate shall be a rate equal to the average industry rate as  
29 determined by the commissioner; however, the rate may not be less than  
30 one percent.

31 (2) Beginning with contributions assessed for rate year 2005, the  
32 contribution rate for each employer subject to contributions under RCW  
33 50.24.010 shall be the sum of the array calculation factor rate and the  
34 graduated social cost factor rate determined under this subsection, and  
35 the solvency surcharge determined under RCW 50.29.041, if any.

36 (a) The array calculation factor rate shall be determined as  
37 follows:

38 (i) An array shall be prepared, listing all qualified employers in  
39 ascending order of their benefit ratios. The array shall show for each  
40 qualified employer: (A) Identification number; (B) benefit ratio; and

1 (C) taxable payrolls for the four consecutive calendar quarters  
2 immediately preceding the computation date and reported to the  
3 employment security department by the cut-off date.

4 (ii) Each employer in the array shall be assigned to one of forty  
5 rate classes according to his or her benefit ratio as follows, and,  
6 except as provided in RCW 50.29.026, the array calculation factor rate  
7 for each employer in the array shall be the rate specified in the rate  
8 class to which the employer has been assigned:

9	Benefit Ratio		Rate	Rate
10	At least	Less than	Class	(percent)
11		0.000001	1	0.00
12	0.000001	0.001250	2	0.13
13	0.001250	0.002500	3	0.25
14	0.002500	0.003750	4	0.38
15	0.003750	0.005000	5	0.50
16	0.005000	0.006250	6	0.63
17	0.006250	0.007500	7	0.75
18	0.007500	0.008750	8	0.88
19	0.008750	0.010000	9	1.00
20	0.010000	0.011250	10	1.15
21	0.011250	0.012500	11	1.30
22	0.012500	0.013750	12	1.45
23	0.013750	0.015000	13	1.60
24	0.015000	0.016250	14	1.75
25	0.016250	0.017500	15	1.90
26	0.017500	0.018750	16	2.05
27	0.018750	0.020000	17	2.20
28	0.020000	0.021250	18	2.35
29	0.021250	0.022500	19	2.50
30	0.022500	0.023750	20	2.65
31	0.023750	0.025000	21	2.80
32	0.025000	0.026250	22	2.95
33	0.026250	0.027500	23	3.10
34	0.027500	0.028750	24	3.25
35	0.028750	0.030000	25	3.40
36	0.030000	0.031250	26	3.55

1	0.031250	0.032500	27	3.70
2	0.032500	0.033750	28	3.85
3	0.033750	0.035000	29	4.00
4	0.035000	0.036250	30	4.15
5	0.036250	0.037500	31	4.30
6	0.037500	0.040000	32	4.45
7	0.040000	0.042500	33	4.60
8	0.042500	0.045000	34	4.75
9	0.045000	0.047500	35	4.90
10	0.047500	0.050000	36	5.05
11	0.050000	0.052500	37	5.20
12	0.052500	0.055000	38	5.30
13	0.055000	0.057500	39	5.35
14	0.057500		40	5.40

15 (b) The graduated social cost factor rate shall be determined as  
16 follows:

17 (i)(A) Except as provided in (b)(i)(B) and (C) of this subsection,  
18 the commissioner shall calculate the flat social cost factor for a rate  
19 year by dividing the total social cost by the total taxable payroll.  
20 The division shall be carried to the second decimal place with the  
21 remaining fraction disregarded unless it amounts to five hundredths or  
22 more, in which case the second decimal place shall be rounded to the  
23 next higher digit. The flat social cost factor shall be expressed as  
24 a percentage.

25 (B) If, on the cut-off date, the balance in the unemployment  
26 compensation fund is determined by the commissioner to be an amount  
27 that will provide more than ten months of unemployment benefits, the  
28 commissioner shall calculate the flat social cost factor for the rate  
29 year immediately following the cut-off date by reducing the total  
30 social cost by the dollar amount that represents the number of months  
31 for which the balance in the unemployment compensation fund on the cut-  
32 off date will provide benefits above ten months and dividing the result  
33 by the total taxable payroll. However, the calculation under this  
34 subsection (2)(b)(i)(B) for a rate year may not result in a flat social  
35 cost factor that is more than four-tenths lower than the calculation  
36 under (b)(i)(A) of this subsection for that rate year.

37 For the purposes of this subsection, the commissioner shall  
38 determine the number of months of unemployment benefits in the

1 unemployment compensation fund using the benefit cost rate for the  
2 average of the three highest calendar benefit cost rates in the twenty  
3 consecutive completed calendar years immediately preceding the cut-off  
4 date or a period of consecutive calendar years immediately preceding  
5 the cut-off date that includes three recessions, if longer.

6 (C) The minimum flat social cost factor calculated under this  
7 subsection (2)(b) shall be six-tenths of one percent, except that if  
8 the balance in the unemployment compensation fund is determined by the  
9 commissioner to be an amount that will provide:

10 (I) At least twelve months but less than fourteen months of  
11 unemployment benefits, the minimum shall be five-tenths of one percent;  
12 or

13 (II) At least fourteen months of unemployment benefits, the minimum  
14 shall be five-tenths of one percent, except that, for employers in rate  
15 class 1, the minimum shall be forty-five hundredths of one percent.

16 (ii)(A) Except as provided in (b)(ii)(B) of this subsection, the  
17 graduated social cost factor rate for each employer in the array is the  
18 flat social cost factor multiplied by the percentage specified as  
19 follows for the rate class to which the employer has been assigned in  
20 (a)(ii) of this subsection, except that the sum of an employer's array  
21 calculation factor rate and the graduated social cost factor rate may  
22 not exceed six and five-tenths percent or, for employers whose North  
23 American industry classification system code is within "111," "112,"  
24 "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six  
25 percent through rate year 2007 and may not exceed five and seven-tenths  
26 percent for rate year 2008 and thereafter:

- 27 (I) Rate class 1 - 78 percent;
- 28 (II) Rate class 2 - 82 percent;
- 29 (III) Rate class 3 - 86 percent;
- 30 (IV) Rate class 4 - 90 percent;
- 31 (V) Rate class 5 - 94 percent;
- 32 (VI) Rate class 6 - 98 percent;
- 33 (VII) Rate class 7 - 102 percent;
- 34 (VIII) Rate class 8 - 106 percent;
- 35 (IX) Rate class 9 - 110 percent;
- 36 (X) Rate class 10 - 114 percent;
- 37 (XI) Rate class 11 - 118 percent; and
- 38 (XII) Rate classes 12 through 40 - 120 percent.

1 (B) For contributions assessed beginning July 1, 2005, through  
2 December 31, 2007, for employers whose North American industry  
3 classification system code is "111," "112," "1141," "115," "3114,"  
4 "3117," "42448," or "49312," the graduated social cost factor rate is  
5 zero.

6 (iii) For the purposes of this section:

7 (A) "Total social cost" means the amount calculated by subtracting  
8 the array calculation factor contributions paid by all employers with  
9 respect to the four consecutive calendar quarters immediately preceding  
10 the computation date and paid to the employment security department by  
11 the cut-off date from the total unemployment benefits paid to claimants  
12 in the same four consecutive calendar quarters. To calculate the flat  
13 social cost factor for rate year 2005, the commissioner shall calculate  
14 the total social cost using the array calculation factor contributions  
15 that would have been required to be paid by all employers in the  
16 calculation period if (a) of this subsection had been in effect for the  
17 relevant period. To calculate the flat social cost factor for rate  
18 years 2010 and 2011, the forty-five dollar increase paid as part of an  
19 individual's weekly benefit amount as provided in RCW 50.20.120(2)(b)  
20 shall not be considered for purposes of calculating the total  
21 unemployment benefits paid to claimants in the four consecutive  
22 calendar quarters immediately preceding the computation date.

23 (B) "Total taxable payroll" means the total amount of wages subject  
24 to tax, as determined under RCW 50.24.010, for all employers in the  
25 four consecutive calendar quarters immediately preceding the  
26 computation date and reported to the employment security department by  
27 the cut-off date.

28 (c) For employers who do not meet the definition of "qualified  
29 employer" by reason of failure to pay contributions when due:

30 (i) The array calculation factor rate shall be two-tenths higher  
31 than that in rate class 40, except employers who have an approved  
32 agency-deferred payment contract by September 30th of the previous rate  
33 year. If any employer with an approved agency-deferred payment  
34 contract fails to make any one of the succeeding deferred payments or  
35 fails to submit any succeeding tax report and payment in a timely  
36 manner, the employer's tax rate shall immediately revert to an array  
37 calculation factor rate two-tenths higher than that in rate class 40;  
38 and

1 (ii) The social cost factor rate shall be the social cost factor  
2 rate assigned to rate class 40 under (b)(ii) of this subsection.

3 (d) For all other employers not qualified to be in the array:

4 (i) For rate years 2005, 2006, and 2007:

5 (A) The array calculation factor rate shall be a rate equal to the  
6 average industry array calculation factor rate as determined by the  
7 commissioner, plus fifteen percent of that amount; however, the rate  
8 may not be less than one percent or more than the array calculation  
9 factor rate in rate class 40; and

10 (B) The social cost factor rate shall be a rate equal to the  
11 average industry social cost factor rate as determined by the  
12 commissioner, plus fifteen percent of that amount, but not more than  
13 the social cost factor rate assigned to rate class 40 under (b)(ii) of  
14 this subsection.

15 (ii) Beginning with contributions assessed for rate year 2008:

16 (A) The array calculation factor rate shall be a rate equal to the  
17 average industry array calculation factor rate as determined by the  
18 commissioner, multiplied by the history factor, but not less than one  
19 percent or more than the array calculation factor rate in rate class  
20 40;

21 (B) The social cost factor rate shall be a rate equal to the  
22 average industry social cost factor rate as determined by the  
23 commissioner, multiplied by the history factor, but not more than the  
24 social cost factor rate assigned to rate class 40 under (b)(ii) of this  
25 subsection; and

26 (C) The history factor shall be based on the total amounts of  
27 benefits charged and contributions paid in the three fiscal years  
28 ending prior to the computation date by employers not qualified to be  
29 in the array, other than employers in (c) of this subsection, who were  
30 first subject to contributions in the calendar year ending three years  
31 prior to the computation date. The commissioner shall calculate the  
32 history ratio by dividing the total amount of benefits charged by the  
33 total amount of contributions paid in this three-year period by these  
34 employers. The division shall be carried to the second decimal place  
35 with the remaining fraction disregarded unless it amounts to five  
36 one-hundredths or more, in which case the second decimal place shall be  
37 rounded to the next higher digit. The commissioner shall determine the  
38 history factor according to the history ratio as follows:

	History	History
	Ratio	Factor
		(percent)
	At least	Less than
(I)		.95
(II)	.95	1.05
(III)	1.05	115

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the (~~"Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the~~) North American industry classification system code.

**Sec. 4.** RCW 50.22.150 and 2002 c 149 s 2 are each amended to read as follows:

(1) This section applies to claims with an effective date before April 5, 2009.

(2) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection ~~((+2))~~ (3) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local workforce development councils, in cooperation with

1 the employment security department and its labor market information  
2 division, under subsection (~~(+10)~~) (11) of this section;

3 (d) Develops an individual training program that is submitted to  
4 the commissioner for approval within sixty days after the individual is  
5 notified by the employment security department of the requirements of  
6 this section;

7 (e) Enters the approved training program by ninety days after the  
8 date of the notification, unless the employment security department  
9 determines that the training is not available during the ninety-day  
10 period, in which case the individual enters training as soon as it is  
11 available; and

12 (f) Is enrolled in training approved under this section on a full-  
13 time basis as determined by the educational institution, and is making  
14 satisfactory progress in the training as certified by the educational  
15 institution.

16 (~~(+2)~~) (3) Until June 30, 2002, the following individuals who meet  
17 the requirements of subsection (~~(+1)~~) (2) of this section may, without  
18 regard to the tenure requirements under subsection (~~(+1)~~) (2)(b) of  
19 this section, receive training benefits as provided in this section:

20 (a) An exhaustee who has base year employment in the aerospace  
21 industry assigned the standard industrial classification code "372" or  
22 the North American industry classification system code "336411";

23 (b) An exhaustee who has base year employment in the forest  
24 products industry, determined by the department, but including the  
25 industries assigned the major group standard industrial classification  
26 codes "24" and "26" or any equivalent codes in the North American  
27 industry classification system code, and the industries involved in the  
28 harvesting and management of logs, transportation of logs and wood  
29 products, processing of wood products, and the manufacturing and  
30 distribution of wood processing and logging equipment; or

31 (c) An exhaustee who has base year employment in the fishing  
32 industry assigned the standard industrial classification code "0912" or  
33 any equivalent codes in the North American industry classification  
34 system code.

35 (~~(+3)~~) (4) An individual is not eligible for training benefits  
36 under this section if he or she:

37 (a) Is a standby claimant who expects recall to his or her regular  
38 employer;

1 (b) Has a definite recall date that is within six months of the  
2 date he or she is laid off; or

3 (c) Is unemployed due to a regular seasonal layoff which  
4 demonstrates a pattern of unemployment consistent with the provisions  
5 of RCW 50.20.015. Regular seasonal layoff does not include layoff due  
6 to permanent structural downsizing or structural changes in the  
7 individual's labor market.

8 ~~((4))~~ (5) The definitions in this subsection apply throughout  
9 this section unless the context clearly requires otherwise.

10 (a) "Educational institution" means an institution of higher  
11 education as defined in RCW 28B.10.016 or an educational institution as  
12 defined in RCW 28C.04.410, including equivalent educational  
13 institutions in other states.

14 (b) "Sufficient tenure" means earning a plurality of wages in a  
15 particular occupation or using a particular skill set during the base  
16 year and at least two of the four twelve-month periods immediately  
17 preceding the base year.

18 (c) "Training benefits" means additional benefits paid under this  
19 section.

20 (d) "Training program" means:

21 (i) An education program determined to be necessary as a  
22 prerequisite to vocational training after counseling at the educational  
23 institution in which the individual enrolls under his or her approved  
24 training program; or

25 (ii) A vocational training program at an educational institution:

26 (A) That is targeted to training for a high demand occupation.  
27 Beginning July 1, 2001, the assessment of high demand occupations  
28 authorized for training under this section must be substantially based  
29 on labor market and employment information developed by local workforce  
30 development councils, in cooperation with the employment security  
31 department and its labor market information division, under subsection  
32 ~~((10))~~ (11) of this section;

33 (B) That is likely to enhance the individual's marketable skills  
34 and earning power; and

35 (C) That meets the criteria for performance developed by the  
36 workforce training and education coordinating board for the purpose of  
37 determining those training programs eligible for funding under Title I  
38 of P.L. 105-220.

1 "Training program" does not include any course of education  
2 primarily intended to meet the requirements of a baccalaureate or  
3 higher degree, unless the training meets specific requirements for  
4 certification, licensing, or for specific skills necessary for the  
5 occupation.

6 ~~((+5))~~ (6) Benefits shall be paid as follows:

7 (a)(i) Except as provided in (a)(iii) of this subsection, for  
8 exhaustees who are eligible under subsection ~~((+1))~~ (2) of this  
9 section, the total training benefit amount shall be fifty-two times the  
10 individual's weekly benefit amount, reduced by the total amount of  
11 regular benefits and extended benefits paid, or deemed paid, with  
12 respect to the benefit year; or

13 (ii) For exhaustees who are eligible under subsection ~~((+2))~~ (3)  
14 of this section, for claims filed before June 30, 2002, the total  
15 training benefit amount shall be seventy-four times the individual's  
16 weekly benefit amount, reduced by the total amount of regular benefits  
17 and extended benefits paid, or deemed paid, with respect to the benefit  
18 year; or

19 (iii) For exhaustees eligible under subsection ~~((+1))~~ (2) of this  
20 section from industries listed under subsection ~~((+2))~~ (3)(a) of this  
21 section, for claims filed on or after June 30, 2002, but before January  
22 5, 2003, the total training benefit amount shall be seventy-four times  
23 the individual's weekly benefit amount, reduced by the total amount of  
24 regular benefits and extended benefits paid, or deemed paid, with  
25 respect to the benefit year.

26 (b) The weekly benefit amount shall be the same as the regular  
27 weekly amount payable during the applicable benefit year and shall be  
28 paid under the same terms and conditions as regular benefits. The  
29 training benefits shall be paid before any extended benefits but not  
30 before any similar federally funded program.

31 (c) Training benefits are not payable for weeks more than two years  
32 beyond the end of the benefit year of the regular claim.

33 ~~((+6))~~ (7) The requirement under RCW 50.22.010(10) relating to  
34 exhausting regular benefits does not apply to an individual otherwise  
35 eligible for training benefits under this section when the individual's  
36 benefit year ends before his or her training benefits are exhausted and  
37 the individual is eligible for a new benefit year. These individuals

1 will have the option of remaining on the original claim or filing a new  
2 claim.

3 ~~((7))~~ (8)(a) Except as provided in (b) of this subsection,  
4 individuals who receive training benefits under this section or under  
5 any previous additional benefits program for training are not eligible  
6 for training benefits under this section for five years from the last  
7 receipt of training benefits under this section or under any previous  
8 additional benefits program for training.

9 (b) With respect to claims that are filed before January 5, 2003,  
10 an individual in the aerospace industry assigned the standard  
11 industrial code "372" or the North American industry classification  
12 system code "336411" who received training benefits under this section,  
13 and who had been making satisfactory progress in a training program but  
14 did not complete the program, is eligible, without regard to the five-  
15 year limitation of this section and without regard to the requirement  
16 of subsection ~~((1))~~ (2)(b) of this section, if applicable, to receive  
17 training benefits under this section in order to complete that training  
18 program. The total training benefit amount that applies to the  
19 individual is seventy-four times the individual's weekly benefit  
20 amount, reduced by the total amount of regular benefits paid, or deemed  
21 paid, with respect to the benefit year in which the training program  
22 resumed and, if applicable, reduced by the amount of training benefits  
23 paid, or deemed paid, with respect to the benefit year in which the  
24 training program commenced.

25 ~~((8))~~ (9) An individual eligible to receive a trade readjustment  
26 allowance under chapter 2 of Title II of the Trade Act of 1974, as  
27 amended, shall not be eligible to receive benefits under this section  
28 for each week the individual receives such trade readjustment  
29 allowance. An individual eligible to receive emergency unemployment  
30 compensation, so called, under any federal law, shall not be eligible  
31 to receive benefits under this section for each week the individual  
32 receives such compensation.

33 ~~((9))~~ (10) All base year employers are interested parties to the  
34 approval of training and the granting of training benefits.

35 ~~((10))~~ (11) By July 1, 2001, each local workforce development  
36 council, in cooperation with the employment security department and its  
37 labor market information division, must identify occupations and skill  
38 sets that are declining and occupations and skill sets that are in high

1 demand. For the purposes of RCW 50.22.130 through 50.22.150 and  
2 section 9, chapter 2, Laws of 2000, "high demand" means demand for  
3 employment that exceeds the supply of qualified workers for occupations  
4 or skill sets in a labor market area. Local workforce development  
5 councils must use state and locally developed labor market information.  
6 Thereafter, each local workforce development council shall update this  
7 information annually or more frequently if needed.

8 ~~((+11))~~ (12) The commissioner shall adopt rules as necessary to  
9 implement this section.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 50.22 RCW  
11 to read as follows:

12 (1) This section applies to claims with an effective date on or  
13 after April 5, 2009.

14 (2) Subject to availability of funds, training benefits are  
15 available for an individual who is eligible for or has exhausted  
16 entitlement to unemployment compensation benefits when:

17 (a) The individual is a dislocated worker as defined in RCW  
18 50.04.075 and, after assessment of the individual's labor market,  
19 occupation, or skills, is determined to need job-related training to  
20 find suitable employment in the individual's labor market. The  
21 assessment of demand for the individual's occupation or skill sets must  
22 be substantially based on declining occupation or skill sets and high-  
23 demand occupations identified in local labor market areas by the local  
24 workforce development councils in cooperation with the employment  
25 security department and its labor market information division; or

26 (b) For claims with an effective date on or after July 5, 2009, the  
27 individual:

28 (i) During the base period, the result of total reported wages  
29 divided by total hours worked for that individual is less than one  
30 hundred thirty percent of the state minimum wage, and after assessment,  
31 it is determined that the individual's earning potential will be  
32 enhanced through vocational training;

33 (ii) Served in the United States military during the twelve-month  
34 period prior to the application date, was honorably discharged from  
35 military service, and, after assessment, is determined to need job-  
36 related training to find suitable employment in the individual's labor  
37 market; or

1 (iii) Is disabled due to an injury or illness and, after  
2 assessment, is determined to be unable to return to his or her previous  
3 occupation and in need of job-related training to obtain suitable  
4 employment in the individual's labor market.

5 (3)(a) The individual must develop an individual training program  
6 that is submitted to the commissioner for approval within ninety days  
7 after the individual is notified by the employment security department  
8 of the requirements of this section;

9 (b) The individual must enter the approved training program by one  
10 hundred twenty days after the date of the notification, unless the  
11 employment security department determines that the training is not  
12 available during the one hundred twenty days, in which case the  
13 individual enters training as soon as it is available;

14 (c) The department may waive the deadlines established under this  
15 subsection for reasons deemed by the commissioner to be good cause.

16 (4) The individual must be enrolled in training approved under this  
17 section on a full-time basis as determined by the educational  
18 institution, except that less than full-time training may be approved  
19 when the individual has a physical, mental, or emotional disability  
20 that precludes enrollment on a full-time basis.

21 (5) The individual must make satisfactory progress in the training  
22 as defined by the commissioner and certified by the educational  
23 institution.

24 (6) An individual is not eligible for training benefits under this  
25 section if he or she:

26 (a) Is a standby claimant who expects recall to his or her regular  
27 employer; or

28 (b) Has a definite recall date that is within six months of the  
29 date he or she is laid off.

30 (7) The following definitions apply throughout this section unless  
31 the context clearly requires otherwise.

32 (a) "Educational institution" means an institution of higher  
33 education as defined in RCW 28B.10.016 or an educational institution as  
34 defined in RCW 28C.04.410, including equivalent educational  
35 institutions in other states.

36 (b) "High-demand occupation" means an occupation with a substantial  
37 number of current or projected employment opportunities.

1 (c) "Training benefits" means additional benefits paid under this  
2 section.

3 (d) "Training program" means:

4 (i) An education program determined to be necessary as a  
5 prerequisite to vocational training after counseling at the educational  
6 institution in which the individual enrolls under his or her approved  
7 training program; or

8 (ii) A vocational training program at an educational institution  
9 that:

10 (A) Is targeted to training for a high-demand occupation;

11 (B) Is likely to enhance the individual's marketable skills and  
12 earning power; and

13 (C) Meets the criteria for performance developed by the workforce  
14 training and education coordinating board for the purpose of  
15 determining those training programs eligible for funding under Title I  
16 of P.L. 105-220.

17 "Training program" does not include any course of education  
18 primarily intended to meet the requirements of a baccalaureate or  
19 higher degree, unless the training meets specific requirements for  
20 certification, licensing, or for specific skills necessary for the  
21 occupation.

22 (8) Benefits shall be paid as follows:

23 (a) The total training benefit amount shall be fifty-two times the  
24 individual's weekly benefit amount, reduced by the total amount of  
25 regular benefits and extended benefits paid, or deemed paid, with  
26 respect to the benefit year.

27 (b) The weekly benefit amount shall be the same as the regular  
28 weekly amount payable during the applicable benefit year and shall be  
29 paid under the same terms and conditions as regular benefits.

30 (c) Training benefits shall be paid before any extended benefits  
31 but not before any similar federally funded program.

32 (d) Training benefits are not payable for weeks more than two years  
33 beyond the end of the benefit year of the regular claim.

34 (9) The requirement under RCW 50.22.010(10) relating to exhausting  
35 regular benefits does not apply to an individual otherwise eligible for  
36 training benefits under this section when the individual's benefit year  
37 ends before his or her training benefits are exhausted and the

1 individual is eligible for a new benefit year. These individuals will  
2 have the option of remaining on the original claim or filing a new  
3 claim.

4 (10) Individuals who receive training benefits under RCW 50.22.150  
5 or this section are not eligible for training benefits under this  
6 section for five years from the last receipt of training benefits.

7 (11) An individual eligible to receive a trade readjustment  
8 allowance under chapter 2, Title II of the trade act of 1974, as  
9 amended, shall not be eligible to receive benefits under this section  
10 for each week the individual receives such trade readjustment  
11 allowance.

12 (12) An individual eligible to receive emergency unemployment  
13 compensation under any federal law shall not be eligible to receive  
14 benefits under this section for each week the individual receives such  
15 compensation.

16 (13) All base year employers are interested parties to the approval  
17 of training and the granting of training benefits.

18 (14) Each local workforce development council, in cooperation with  
19 the employment security department and its labor market information  
20 division, must identify occupations and skill sets that are declining  
21 and high-demand occupations and skill sets. Each local workforce  
22 development council shall update this information annually or more  
23 frequently if needed.

24 (15) The commissioner shall adopt rules as necessary to implement  
25 this section.

26 **Sec. 6.** RCW 50.60.020 and 1983 c 207 s 2 are each amended to read  
27 as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout this chapter.

30 (1) "Affected ((unit)) employee" means a specified ((plant,  
31 department, shift, or other definable unit consisting of one or more  
32 employees)) employee, to which an approved shared work compensation  
33 plan applies.

34 (2) "Fringe benefits" include health insurance, retirement benefits  
35 under benefit pension plans as defined in section 3(35) of the employee  
36 retirement income security act of 1974, paid vacation and holidays, and

1 sick leave, which are incidents of employment in addition to cash  
2 remuneration.

3 (3) "Shared work benefits" means the benefits payable to  
4 ~~((employees in))~~ an affected ~~((unit))~~ employee under an approved shared  
5 work compensation plan as distinguished from the benefits otherwise  
6 payable under this title.

7 (4) "Shared work compensation plan" means a plan of an employer, or  
8 of an employers' association, under which there is a reduction in the  
9 number of hours worked by employees rather than temporary layoffs.

10 (5) "Shared work employer" means an employer, one or more of whose  
11 employees are covered by a shared work compensation plan.

12 (6) "Usual weekly hours of work" means the normal number of hours  
13 of work for ~~((full-time employees in the affected unit))~~ the affected  
14 employee when ~~((that unit))~~ he or she is ~~((operating))~~ working on a  
15 full-time basis, not to exceed forty hours and not including overtime.

16 (7) "Unemployment compensation" means the benefits payable under  
17 this title other than shared work benefits and includes any amounts  
18 payable pursuant to an agreement under federal law providing for  
19 compensation, assistance, or allowances with respect to unemployment.

20 (8) "Employers' association" means an association which is a party  
21 to a collective bargaining agreement under which there is a shared work  
22 compensation plan.

23 **Sec. 7.** RCW 50.60.030 and 1985 c 43 s 1 are each amended to read  
24 as follows:

25 An employer or employers' association wishing to participate in a  
26 shared work compensation program shall submit a written and signed  
27 shared work compensation plan to the commissioner for approval. The  
28 commissioner shall approve a shared work compensation plan only if the  
29 following criteria are met:

30 (1) The plan identifies the affected ~~((units))~~ employees to which  
31 it applies;

32 (2) ~~((An))~~ Each affected employee ~~((in an affected unit are))~~ is  
33 identified by name, social security number, and by any other  
34 information required by the commissioner;

35 (3) The usual weekly hours of work for ~~((an))~~ each affected  
36 employee ~~((in an affected unit))~~ are reduced by not less than ten  
37 percent and not more than fifty percent;

1 (4) Fringe benefits will continue to be provided on the same basis  
2 as before the reduction in work hours. In no event shall the level of  
3 health benefits be reduced due to a reduction in hours;

4 (5) The plan certifies that the aggregate reduction in work hours  
5 for each affected employee is in lieu of temporary layoffs (~~which~~  
6 ~~would have affected at least ten percent of the employees in the~~  
7 ~~affected units to which the plan applies and~~) which would have  
8 resulted in an equivalent reduction in work hours;

9 (~~6~~) (~~The plan applies to at least ten percent of the employees in~~  
10 ~~the affected unit;~~

11 ~~(7)~~) The plan is approved in writing by the collective bargaining  
12 agent for each collective bargaining agreement covering any affected  
13 employee (~~in the affected unit~~);

14 (~~(8)~~) (7) The plan will not subsidize seasonal employers during  
15 the off season nor subsidize employers who have traditionally used  
16 part-time employees; and

17 (~~(9)~~) (8) The employer agrees to furnish reports necessary for  
18 the proper administration of the plan and to permit access by the  
19 commissioner to all records necessary to verify the plan before  
20 approval and after approval to evaluate the application of the plan.

21 In addition to subsections (1) through (~~(9)~~) (8) of this section,  
22 the commissioner shall take into account any other factors which may be  
23 pertinent.

24 **Sec. 8.** RCW 50.60.060 and 1983 c 207 s 6 are each amended to read  
25 as follows:

26 A shared work compensation plan shall be effective on the date  
27 (~~specified in the plan or on~~) agreed upon by the department and the  
28 employer but no later than the first day of the second calendar week  
29 after the date of the commissioner's approval, (~~whichever is later~~)  
30 unless a later date is requested by the employer. The plan shall  
31 expire at the end of the twelfth full calendar month after its  
32 effective date, or on the date specified in the plan if that date is  
33 earlier, unless the plan is revoked before that date by the  
34 commissioner. If a plan is revoked by the commissioner, it shall  
35 terminate on the date specified in the commissioner's order of  
36 revocation.

1       **Sec. 9.** RCW 50.60.070 and 1983 c 207 s 7 are each amended to read  
2 as follows:

3       The commissioner may revoke approval of a shared work compensation  
4 plan for good cause. The revocation order shall be in writing and  
5 shall specify the date the revocation is effective and the reasons for  
6 the revocation. Good cause for revocation shall include failure to  
7 comply with the assurances given in the plan, unreasonable revision of  
8 productivity standards (~~((for the affected unit))~~), conduct or  
9 occurrences tending to defeat the intent and effective operation of the  
10 plan, and violation of the criteria on which approval of the plan was  
11 based.

12       Such action may be initiated at any time by the commissioner on his  
13 or her own motion, on the motion of any of the affected ((~~unit~~))  
14 employees, or on the motion of the appropriate collective bargaining  
15 agents. The commissioner shall review each plan at least once within  
16 the twelve month period the plan is in effect to assure that it  
17 continues to meet the requirements of this chapter.

18       **Sec. 10.** RCW 50.60.090 and 1983 c 207 s 9 are each amended to read  
19 as follows:

20       An individual is eligible to receive shared work benefits with  
21 respect to any week only if, in addition to meeting the conditions of  
22 eligibility for other benefits under this title, the commissioner finds  
23 that:

24       (1) The individual was employed during that week as (~~(a member of)~~)  
25 an affected ((~~unit~~)) employee under an approved shared work  
26 compensation plan which was in effect for that week;

27       (2) The individual was able to work and was available for  
28 additional hours of work and for full-time work with the shared work  
29 employer; and

30       (3) Notwithstanding any other provision of this chapter, an  
31 individual is deemed to have been unemployed in any week for which  
32 remuneration is payable to him or her as an affected employee (~~((in an  
33 affected unit))~~) for less than his or her normal weekly hours of work as  
34 specified under the approved shared work compensation plan in effect  
35 for that week.

1           **Sec. 11.** RCW 50.60.100 and 1983 c 207 s 10 are each amended to  
2 read as follows:

3           (1) The shared work weekly benefit amount shall be the product of  
4 the regular weekly unemployment compensation benefit amount multiplied  
5 by the percentage of reduction in the individual's usual weekly hours  
6 of work;

7           (2) No individual is eligible in any benefit year for more than the  
8 maximum entitlement established for benefits under this title,  
9 including benefits under this chapter(~~(, nor may an individual be paid~~  
10 ~~shared work benefits for more than a total of twenty six weeks in any~~  
11 ~~twelve month period under a shared work compensation plan));~~

12           (3) The shared work benefits paid an individual shall be deducted  
13 from the total benefit amount established for that individual's benefit  
14 year;

15           (4) Claims for shared work benefits shall be filed in the same  
16 manner as claims for other benefits under this title or as prescribed  
17 by the commissioner by rule;

18           (5) Provisions otherwise applicable to unemployment compensation  
19 claimants under this title apply to shared work claimants to the extent  
20 that they are not inconsistent with this chapter;

21           (6)(a) If an individual works in the same week for an employer  
22 other than the shared work employer and his or her combined hours of  
23 work for both employers are equal to or greater than the usual weekly  
24 hours of work with the shared work employer, the individual shall not  
25 be entitled to benefits under this chapter or title;

26           (b) If an individual works in the same week for both the shared  
27 work employer and another employer and his or her combined hours of  
28 work for both employers are less than his or her usual weekly hours of  
29 work, the benefit amount payable for that week shall be the weekly  
30 unemployment compensation benefit amount reduced by the same percentage  
31 that the combined hours are of the usual weekly hours of work(~~(. — A~~  
32 ~~week for which benefits are paid under this subsection shall count as~~  
33 ~~a week of shared work benefits));~~

34           (7) An individual who does not work during a week for the shared  
35 work employer, and is otherwise eligible, shall be paid his or her full  
36 weekly unemployment compensation benefit amount(~~(. — Such a week shall~~  
37 ~~not be counted as a week for which shared work benefits were~~  
38 ~~received));~~

1 (8) An individual who does not work for the shared work employer  
2 during a week but works for another employer, and is otherwise  
3 eligible, shall be paid benefits for that week under the partial  
4 unemployment compensation provisions of this title. (~~Such a week~~  
5 ~~shall not be counted as a week for which shared work benefits were~~  
6 ~~received.~~)

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 50.20 RCW  
8 to read as follows:

9 (1) An individual may choose to apply the increased weekly benefit  
10 provided for under section 1 of this act towards the individual's basic  
11 health plan monthly premium for the purpose of health coverage.

12 (2) This section is subject to the expiration date as provided for  
13 in section 1 of this act.

14 NEW SECTION. **Sec. 13.** If any part of this act is found to be in  
15 conflict with federal requirements that are a prescribed condition to  
16 the allocation of federal funds to the state or the eligibility of  
17 employers in this state for federal unemployment tax credits, the  
18 conflicting part of this act is inoperative solely to the extent of the  
19 conflict, and the finding or determination does not affect the  
20 operation of the remainder of this act. Rules adopted under this act  
21 must meet federal requirements that are a necessary condition to the  
22 receipt of federal funds by the state or the granting of federal  
23 unemployment tax credits to employers in this state.

24 NEW SECTION. **Sec. 14.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 15.** Sections 1 through 3 of this act are  
29 necessary for the immediate preservation of the public peace, health,  
30 or safety, or support of the state government and its existing public  
31 institutions, and take effect May 3, 2009.

32 NEW SECTION. **Sec. 16.** Sections 4 through 12 of this act are

1 necessary for the immediate preservation of the public peace, health,  
2 or safety, or support of the state government and its existing public  
3 institutions, and take effect April 5, 2009.

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