
HOUSE BILL 2724

State of Washington

65th Legislature

2018 Regular Session

By Representatives Sells, Ormsby, McBride, and Tarleton

Read first time 01/12/18. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to unemployment compensation for musicians;
2 amending RCW 50.04.030 and 50.04.148; creating a new section; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 50.04.030 and 1991 c 117 s 1 are each amended to
6 read as follows:

7 "Benefit year" with respect to each individual, means the fifty-
8 two consecutive week period beginning with the first day of the
9 calendar week in which the individual files an application for an
10 initial determination and thereafter the fifty-two consecutive week
11 period beginning with the first day of the calendar week in which the
12 individual next files an application for an initial determination
13 after the expiration of the individual's last preceding benefit
14 year(~~(: PROVIDED, HOWEVER, That)~~).

15 (1) The foregoing limitation shall not be deemed to preclude the
16 establishment of a new benefit year under the laws of another state
17 pursuant to any agreement providing for the interstate combining of
18 employment and wages and the interstate payment of benefits nor shall
19 this limitation be deemed to preclude the commissioner from
20 backdating an initial application at the request of the claimant
21 either for the convenience of the (~~department of~~) employment

1 security department or for any other reason deemed by the
2 commissioner to be good cause.

3 (2) An individual's benefit year shall be extended to be fifty-
4 three weeks when at the expiration of fifty-two weeks the
5 establishment of a new benefit year would result in the use of a
6 quarter of wages in the new base year that had been included in the
7 individual's prior base year.

8 (3) Except as provided in RCW 50.04.148(2), no benefit year will
9 be established unless it is determined that the individual earned
10 wages in "employment" in not less than six hundred eighty hours of
11 the individual's base year(~~(- PROVIDED, HOWEVER, That))~~).

12 (4) A benefit year cannot be established if the base year wages
13 include wages earned prior to the establishment of a prior benefit
14 year unless the individual worked and earned wages since the last
15 separation from employment immediately before the application for
16 initial determination in the previous benefit year if the applicant
17 was an unemployed individual at the time of application, or since the
18 initial separation in the previous benefit year if the applicant was
19 not an unemployed individual at the time of filing an application for
20 initial determination for the previous benefit year, of not less than
21 six times the weekly benefit amount computed for the individual's new
22 benefit year.

23 (5) If an individual's prior benefit year was based on the last
24 four completed calendar quarters, a new benefit year shall not be
25 established until the new base year does not include any hours used
26 in the establishment of the prior benefit year.

27 (6) If the wages of an individual are not based upon a fixed
28 duration of time or if the individual's wages are paid at irregular
29 intervals or in such manner as not to extend regularly over the
30 period of employment, the wages for any week shall be determined in
31 such manner as the commissioner may by regulation prescribe. Such
32 regulation shall, so far as possible, secure results reasonably
33 similar to those which would prevail if the individual were paid his
34 or her wages at regular intervals.

35 **Sec. 2.** RCW 50.04.148 and 1985 c 47 s 1 are each amended to read
36 as follows:

37 (1) The term "employment" shall not include services performed by
38 a musician or entertainer under a written contract with a purchaser
39 of the services for a specific engagement or engagements when such

1 musician or entertainer performs no other duties for the purchaser
2 and is not regularly and continuously employed by the purchaser. The
3 contract shall designate the leader of the music or entertainment
4 group. A music or entertainment business or a leader of a music or
5 entertainment group shall be considered an employer and not a
6 purchaser of music or entertainment services.

7 (2) Any musician or entertainer who performs for a music or
8 entertainment business or as a member of a music or entertainment
9 group is deemed an employee of the business or group and the business
10 or the leader of the group shall be required to register as an
11 employer with the department. For a musician who earns at least
12 seventy-five percent of his or her base year wages as an employee of
13 a music or entertainment business or as a member of a music or
14 entertainment group, no benefit year will be established unless it is
15 determined that the individual earned wages in "employment" in not
16 less than five hundred four hours of the individual's base year.

17 (3) Purchasers of services under subsection (1) of this section
18 shall not be subject to RCW 50.24.130 relating to a principal's
19 liability for unpaid contributions if the services are purchased from
20 a business or group registered as an employer with the department.

21 (4) The term "music or entertainment business" or "group" as used
22 in this section means an employer whose principal business activity
23 is music or entertainment. The term does not include those entities
24 who provide music or entertainment for members or patrons incidental
25 to their principal business activity, and does not include an
26 individual employing musicians or entertainers on a casual basis.

27 NEW SECTION. Sec. 3. If any part of this act is found to be in
28 conflict with federal requirements that are a prescribed condition to
29 the allocation of federal funds to the state or the eligibility of
30 employers in this state for federal unemployment tax credits, the
31 conflicting part of this act is inoperative solely to the extent of
32 the conflict, and the finding or determination does not affect the
33 operation of the remainder of this act. Rules adopted under this act
34 must meet federal requirements that are a necessary condition to the
35 receipt of federal funds by the state or the granting of federal
36 unemployment tax credits to employers in this state.

37 NEW SECTION. Sec. 4. If any provision of this act or its
38 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 5.** This act takes effect January 5, 2020, for
4 new claims filed on or after January 5, 2020.

--- END ---