
HOUSE BILL 2308

State of Washington

66th Legislature

2020 Regular Session

By Representatives Slatter, Tharinger, Wylie, and Appleton

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1 AN ACT Relating to requiring employers to periodically report
2 standard occupational classifications or job titles of workers;
3 amending RCW 50.12.070; creating a new section; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Information collected by the employment security department
8 from employers for the purposes of unemployment insurance
9 requirements includes certain information, such as the employee's
10 wages and hours worked. However, the information does not provide
11 sufficient detail to allow for identification of the occupation of an
12 employee; and

13 (b) Accurate occupational employment data would be useful in a
14 number of ways. Job seekers use occupational employment and wage data
15 for career planning and to assess occupational-based job
16 opportunities within various industries and geographic areas in the
17 state. Economists and researchers also rely on occupational
18 employment and wage statistics to determine the composition of
19 employment and the scope of business investment in their communities.
20 Economic development professionals utilize employment data to
21 identify the occupational assets of the state's labor markets to

1 assist them in their efforts to attract businesses to their
2 communities. Occupational and wage data are utilized for program
3 planning, evaluating the effectiveness of training programs, and
4 guiding students on their career pathways.

5 (2) The legislature further finds that:

6 (a) Without occupational data, the state is limited in its
7 ability to successfully evaluate the effectiveness of job training
8 programs;

9 (b) Other states recognize the importance of gathering this data
10 and have begun to require employers to identify each employee's
11 occupation; and

12 (c) Washington's future of work task force recommended adding an
13 "occupation" field to the quarterly employer reporting forms
14 collected by the employment security department to allow for more
15 accurate occupational trend analyses, and more effective evaluation
16 of education and training programs and whether or not they lead to
17 particular occupations.

18 (3) Therefore, the legislature intends to require that employers
19 include standard occupational classifications or job titles of
20 workers in their quarterly unemployment insurance reports.

21 **Sec. 2.** RCW 50.12.070 and 2013 c 250 s 1 are each amended to
22 read as follows:

23 (1)(a) Each employing unit shall keep true and accurate work
24 records, containing such information as the commissioner may
25 prescribe. Such records shall be open to inspection and be subject to
26 being copied by the commissioner or his or her authorized
27 representatives at any reasonable time and as often as may be
28 necessary. The commissioner may require from any employing unit any
29 sworn or unsworn reports with respect to persons employed by it,
30 which he or she deems necessary for the effective administration of
31 this title.

32 (b) An employer who contracts with another person or entity for
33 work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve
34 a record of the unified business identifier account number for and
35 compensation paid to the person or entity performing the work. In
36 addition to the penalty in subsection (3) of this section, failure to
37 obtain or maintain the record is subject to RCW 39.06.010.

38 (2)(a) Each employer shall register with the department and
39 obtain an employment security account number. Each employer shall

1 make periodic reports at such intervals as the commissioner may by
2 regulation prescribe, setting forth the remuneration paid for
3 employment to workers in its employ, the full names and social
4 security numbers of all such workers, the standard occupational
5 classification or job title of each worker, and the total hours
6 worked by each worker and such other information as the commissioner
7 may by regulation prescribe.

8 (b) If the employing unit fails or has failed to report the
9 number of hours in a reporting period for which a worker worked, such
10 number will be computed by the commissioner and given the same force
11 and effect as if it had been reported by the employing unit. In
12 computing the number of such hours worked, the total wages for the
13 reporting period, as reported by the employing unit, shall be divided
14 by the dollar amount of the state's minimum wage in effect for such
15 reporting period and the quotient, disregarding any remainder, shall
16 be credited to the worker: PROVIDED, That although the computation so
17 made will not be subject to appeal by the employing unit, monetary
18 entitlement may be redetermined upon request if the department is
19 provided with credible evidence of the actual hours worked. Benefits
20 paid using computed hours are not considered an overpayment and are
21 not subject to collections when the correction of computed hours
22 results in an invalid or reduced claim; however:

23 (i) A contribution paying employer who fails to report the number
24 of hours worked will have its experience rating account charged for
25 all benefits paid that are based on hours computed under this
26 subsection; and

27 (ii) An employer who reimburses the trust fund for benefits paid
28 to workers and fails to report the number of hours worked shall
29 reimburse the trust fund for all benefits paid that are based on
30 hours computed under this subsection.

31 (3) Any employer who fails to keep and preserve records required
32 by this section shall be subject to a penalty determined by the
33 commissioner but not to exceed two hundred fifty dollars or two
34 hundred percent of the quarterly tax for each offense, whichever is
35 greater.

36 NEW SECTION. **Sec. 3.** This act takes effect October 1, 2021.

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