
HOUSE BILL 1599

State of Washington

52nd Legislature

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By Representatives Basich, Hargrove, Jones, Sheldon, Riley, P. Johnson, Bowman, Belcher, Cole, Brumsickle, Kremen, R. Johnson, Heavey, Morris, H. Myers, Peery, Rayburn, Jacobsen, R. King, Inslee, G. Fisher, Roland, Phillips, Orr, Cooper, Rasmussen and Spanel.

Read first time February 4, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to unemployment insurance; amending RCW 50.04.030;
2 adding new sections to chapter 50.22 RCW; creating a new section;
3 providing an effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.22 RCW
6 to read as follows:

7 (1) An additional benefit period is established beginning on the
8 first Sunday after the effective date of this section for any exhaustee
9 who:

10 (a) At the time of last separation from employment, resided in or
11 was employed in a county identified under subsection (6) of this
12 section; or

1 (b) During his or her base year, earned wages in three hundred
2 forty or more hours of lumber and wood products employment in a county
3 identified under subsection (6) of this section.

4 No new claims for additional benefits will be accepted for weeks
5 beginning after July 3, 1993, but for claims established on or before
6 July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall
7 be compensated as provided in this section. This additional benefit
8 period shall be suspended with the start of an extended benefit period,
9 or any totally federally funded benefit program, with eligibility
10 criteria and benefits comparable to the program established by this
11 act, and shall resume the first week following the end of the federal
12 program.

13 (2) The weekly benefit amount shall be calculated as specified in
14 RCW 50.22.040.

15 (3) The total additional benefit amount shall be the least of:

16 (a) One hundred percent of regular benefits payable under this
17 title;

18 (b) Twenty-six times the individual's weekly benefit amount; or

19 (c) Fifty-two times the individual's weekly benefit amount,
20 reduced by the total amount of regular benefits and extended benefits
21 paid, or deemed paid, with respect to the benefit year.

22 (4) Additional benefits shall not be payable for weeks more than
23 one year beyond the end of the benefit year of the regular claim.

24 (5) Benefits paid under this section shall be paid under the same
25 terms and conditions as regular benefits, shall be paid subject to
26 rules adopted by the commissioner to implement this act, and shall not
27 be charged to the experience rating account of individual employers.

28 (6) For the purposes of this section:

29 (a) "Additional benefit period" means a period applicable to a
30 county that:

1 (i) Begins with the third week after a week in which the
2 commissioner determines that the county meets two or more of the
3 following three criteria:

4 (A) A lumber and wood products employment location quotient of 1.0
5 or more of the state average during the prior twelve-month period;

6 (B) Direct lumber and wood products job loss of one hundred jobs or
7 more in the prior twelve-month period;

8 (C) A county annual insured unemployment rate that is twenty
9 percent above the state annual insured unemployment rate for the prior
10 calendar year; and

11 (ii) Ends no sooner than fifty-two weeks after the additional
12 benefit period begins.

13 (b) "Annual insured unemployment rate" means the percentage
14 derived by dividing the average weekly number of individuals filing
15 claims for weeks of unemployment with respect to the most recent fifty-
16 two consecutive week period, as determined by the commissioner on the
17 basis of the department's reports to the United States secretary of
18 labor, by the average monthly employment covered under this title for
19 the first four of the most recent six completed calendar quarters
20 ending before the end of such fifty-two-week period. The division
21 shall be carried to the fourth decimal place with any remaining
22 fraction disregarded.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.22 RCW
24 to read as follows:

25 (1) An additional benefit eligibility period is established for
26 any exhaustee who:

27 (a) Has received notice of a permanent termination of employment
28 from the individual's employer or has been laid off and is unlikely to
29 return to his or her previous employment because work opportunities at

1 the individual's most recent workplace or in the individual's most
2 recent occupation have been substantially reduced; and

3 (b) Begins the employment counseling made available under this
4 section as soon as reasonably possible following notification by the
5 department of the availability of counseling.

6 (2) The department shall provide employment counseling to each
7 individual who is eligible for additional benefits under this section
8 and section 1 of this act. The counseling shall include, but not be
9 limited to, assessment and evaluation of the individual's job skills
10 and aptitudes, discussion of the results of the assessment, the
11 provision of information regarding any job openings for which the
12 individual may be suited, and job search training.

13 **Sec. 3.** RCW 50.04.030 and 1990 c 245 s 1 are each amended to read
14 as follows:

15 "Benefit year" with respect to each individual, means the fifty-two
16 consecutive week period beginning with the first day of the calendar
17 week in which the individual files an application for an initial
18 determination and thereafter the fifty-two consecutive week period
19 beginning with the first day of the calendar week in which the
20 individual next files an application for an initial determination after
21 the expiration of the individual's last preceding benefit year:
22 PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to
23 preclude the establishment of a new benefit year under the laws of
24 another state pursuant to any agreement providing for the interstate
25 combining of employment and wages and the interstate payment of
26 benefits nor shall this limitation be deemed to preclude the
27 commissioner from backdating an initial application at the request of
28 the claimant either for the convenience of the department of employment

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

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

8 No benefit year will be established unless it is determined that
9 the individual earned wages in "employment" in not less than six
10 hundred eighty hours of the individual's base year: PROVIDED, HOWEVER,
11 That a benefit year cannot be established if the base year wages
12 include wages earned prior to the establishment of a prior benefit year
13 unless the individual worked and earned wages since the initial
14 separation from employment in the previous benefit year (~~of not less~~
15 ~~than six times the weekly benefit amount computed for the individual's~~
16 ~~new benefit year~~)).

17 If an individual's prior benefit year was based on the last four
18 completed calendar quarters, a new benefit year shall not be
19 established until the new base year does not include any hours used in
20 the establishment of the prior benefit year.

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

1 NEW SECTION. **Sec. 4.** If any part of this act is found to be
2 in conflict with federal requirements which are a prescribed condition
3 to the allocation of federal funds to the state or the eligibility of
4 employers in this state for federal unemployment tax credits, the
5 conflicting part of this act is hereby declared to be inoperative
6 solely to the extent of the conflict, and such finding or determination
7 shall not affect the operation of the remainder of this act. The rules
8 under this act shall meet federal requirements which are a necessary
9 condition to the receipt of federal funds by the state or the granting
10 of federal unemployment tax credits to employers in this state.

11 NEW SECTION. **Sec. 5.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately, except for sections 1 and 2 of this act which shall
19 take effect July 1, 1991.