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SENATE BILL 5466

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Prentice, Moore, McAuliffe and Fraser

Read first time 01/29/93. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to unemployment insurance for persons reentering  
2 the work force; amending RCW 50.06.010, 50.06.020, and 50.06.030; and  
3 creating a new section.

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

5            **Sec. 1.** RCW 50.06.010 and 1984 c 65 s 1 are each amended to read  
6 as follows:

7            This chapter is enacted for the purpose of providing the protection  
8 of the unemployment compensation system to persons who have suffered a  
9 temporary total disability compensable under industrial insurance or  
10 crime victims compensation laws (~~and~~) or who are reentering the work  
11 force after a temporary career disruption because of participating in  
12 retraining or because of domestic reasons. Coverage under this chapter  
13 is a recognition by the legislature that those persons who temporarily  
14 leave the work force for retraining, whether to upgrade skills or  
15 change careers, or because of choosing family responsibilities over  
16 career opportunities such as providing care for preschool children or  
17 for ill family members, have made a choice that benefits society as a  
18 whole. It is also a recognition (~~by this legislature~~) of the  
19 economic hardship confronting those persons who have not been promptly

1 reemployed after a prolonged period of (~~temporary total disability~~)  
2 absence from the work force.

3 **Sec. 2.** RCW 50.06.020 and 1984 c 65 s 2 are each amended to read  
4 as follows:

5 The benefits of this chapter may be allowed only to:

6 (1) Individuals who have suffered a temporary total disability and  
7 have received compensation under the industrial insurance or crime  
8 victims compensation laws of this state, any other state or the United  
9 States for a period of not less than thirteen consecutive calendar  
10 weeks by reason of such temporary total disability (~~shall be allowed~~  
11 the benefits of this chapter));

12 (2) Individuals who are reentering the work force after an absence  
13 related to: (a) Participating in a formal education or retraining  
14 program; or (b) domestic reasons, as defined by department rule, which  
15 include but are not limited to providing care for family members.

16 **Sec. 3.** RCW 50.06.030 and 1987 c 278 s 3 are each amended to read  
17 as follows:

18 (1) An application for initial determination made pursuant to this  
19 chapter, to be considered timely, must be filed in writing with the  
20 employment security department:

21 (a) For individuals eligible under RCW 50.06.020(1), within twenty-  
22 six weeks following the week in which the period of temporary total  
23 disability commenced. Notice from the department of labor and  
24 industries shall satisfy this requirement. The records of the agency  
25 supervising the award of compensation shall be conclusive evidence of  
26 the fact of temporary disability and the beginning date of such  
27 disability.

28 (b) For individuals eligible under RCW 50.06.020(2), within twenty-  
29 six weeks of termination of the individual's last employment. Notice  
30 must be provided by the individual under rules adopted by the  
31 employment security department.

32 (2) The employment security department shall process and issue an  
33 initial determination of entitlement or nonentitlement as the case may  
34 be.

35 (3) For the purpose of this chapter, a special base year is  
36 established for an individual consisting of either the first four of  
37 the last five completed calendar quarters or the last four completed

1 calendar quarters immediately prior to the first day of the calendar  
2 week in which the individual's temporary total disability commenced,  
3 and a special individual benefit year is established consisting of the  
4 entire period of disability and a fifty-two consecutive week period  
5 commencing with the first day of the calendar week immediately  
6 following the week or part thereof with respect to which the individual  
7 received his final temporary total disability compensation under the  
8 applicable industrial insurance or crime victims compensation laws, or  
9 the week in which the individual filed an application for initial  
10 determination under subsection (1)(b) of this section, as applicable,  
11 except that no special benefit year shall have a duration in excess of  
12 three hundred twelve calendar weeks(~~(:—PROVIDED)~~). However, (~~That~~  
13 ~~such~~) the special benefit year will not be established unless the  
14 criteria contained in RCW 50.04.030 has been met, except that an  
15 individual meeting the (~~(disability—and—filing)~~) eligibility  
16 requirements of this chapter and who has an unexpired benefit year  
17 established which would overlap the special benefit year provided by  
18 this chapter, notwithstanding the provisions in RCW 50.04.030 relating  
19 to the establishment of a subsequent benefit year and RCW 50.40.010  
20 relating to waiver of rights, may elect to establish a special benefit  
21 year under this chapter(~~(:—PROVIDED FURTHER, that)~~). The unexpired  
22 benefit year shall be terminated with the beginning of the special  
23 benefit year if the individual elects to establish such special benefit  
24 year.

25 For the purposes of establishing a benefit year, the department  
26 shall initially use the first four of the last five completed calendar  
27 quarters as the base year. If a benefit year is not established using  
28 the first four of the last five calendar quarters as the base year, the  
29 department shall use the last four completed calendar quarters as the  
30 base year.

31 NEW SECTION. **Sec. 4.** If any part of this act is found to be in  
32 conflict with federal requirements that are a prescribed condition to  
33 the allocation of federal funds to the state or the eligibility of  
34 employers in this state for federal unemployment tax credits, the  
35 conflicting part of this act is hereby declared to be inoperative  
36 solely to the extent of the conflict, and such finding or determination  
37 shall not affect the operation of the remainder of this act. The rules  
38 under this act shall meet federal requirements that are a necessary

1 condition to the receipt of federal funds by the state or the granting  
2 of federal unemployment tax credits to employers in this state.

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