

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5770

54th Legislature
1995 Regular Session

Passed by the Senate April 23, 1995
YEAS 43 NAYS 2

President of the Senate

Passed by the House April 23, 1995
YEAS 94 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5770** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5770

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Read first time 02/06/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to unemployment insurance claimant profiling;
2 amending RCW 50.20.010 and 50.20.043; adding a new section to chapter
3 50.20 RCW; creating new sections; and declaring an emergency.

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

5 **Sec. 1.** RCW 50.20.010 and 1981 c 35 s 3 are each amended to read
6 as follows:

7 An unemployed individual shall be eligible to receive waiting
8 period credits or benefits with respect to any week in his or her
9 eligibility period only if the commissioner finds that:

10 (1) He or she has registered for work at, and thereafter has
11 continued to report at, an employment office in accordance with such
12 regulation as the commissioner may prescribe, except that the
13 commissioner may by regulation waive or alter either or both of the
14 requirements of this subdivision as to individuals attached to regular
15 jobs and as to such other types of cases or situations with respect to
16 which ((he or she)) the commissioner finds that the compliance with
17 such requirements would be oppressive, or would be inconsistent with
18 the purposes of this title;

1 (2) He or she has filed an application for an initial determination
2 and made a claim for waiting period credit or for benefits in
3 accordance with the provisions of this title;

4 (3) He or she is able to work, and is available for work in any
5 trade, occupation, profession, or business for which he or she is
6 reasonably fitted. To be available for work an individual must be
7 ready, able, and willing, immediately to accept any suitable work which
8 may be offered to him or her and must be actively seeking work pursuant
9 to customary trade practices and through other methods when so directed
10 by the commissioner or ~~((his))~~ the commissioner's agents;

11 (4) He or she has been unemployed for a waiting period of one week;
12 ~~((and))~~

13 (5) He or she participates in reemployment services if the
14 individual has been referred to reemployment services pursuant to the
15 profiling system established by the commissioner under section 2 of
16 this act, unless the commissioner determines that:

17 (a) The individual has completed such services; or

18 (b) There is justifiable cause for the claimant's failure to
19 participate in such services; and

20 (6) As to weeks beginning after March 31, 1981, which fall within
21 an extended benefit period as defined in RCW 50.22.010(~~((1), as now or~~
22 hereafter amended)), the individual meets the terms and conditions of
23 RCW 50.22.020(~~(, as now or hereafter amended,))~~) with respect to
24 benefits claimed in excess of twenty-six times the individual's weekly
25 benefit amount.

26 An individual's eligibility period for regular benefits shall be
27 coincident to his or her established benefit year. An individual's
28 eligibility period for additional or extended benefits shall be the
29 periods prescribed elsewhere in this title for such benefits.

30 NEW SECTION. Sec. 2. A new section is added to chapter 50.20 RCW
31 to read as follows:

32 (1) The commissioner shall establish and use a profiling system for
33 new claimants for regular compensation under this title that identifies
34 permanently separated workers who are likely to exhaust regular
35 compensation and will need job search assistance services to make a
36 successful transition to new employment. The profiling system shall
37 use a combination of individual characteristics and labor market
38 information to assign each individual a unique probability of benefit

1 exhaustion. Individuals identified as likely to exhaust benefits shall
2 be referred to reemployment services, such as job search assistance
3 services, to the extent such services are available at public expense.

4 (2) The profiling system shall include collection and review of
5 follow-up information relating to the services received by individuals
6 under this section and the employment outcomes for the individuals
7 following receipt of the services. The information shall be used in
8 making profiling identifications.

9 (3) In carrying out reviews of individuals receiving services, the
10 department may contract with public or private entities and may
11 disclose information or records necessary to permit contracting
12 entities to assist in the operation and management of department
13 functions. Any information or records disclosed to public or private
14 entities shall be used solely for the purposes for which the
15 information was disclosed and the entity shall be bound by the same
16 rules of privacy and confidentiality as department employees. The
17 misuse or unauthorized disclosure of information or records deemed
18 private and confidential under chapter 50.13 RCW by any person or
19 organization to which access is permitted by this section shall subject
20 the person or organization to a civil penalty of five thousand dollars
21 and other applicable sanctions under state and federal law. Suit to
22 enforce this section shall be brought by the attorney general and the
23 amount of any penalties collected shall be paid into the employment
24 security department administrative contingency fund. The attorney
25 general may recover reasonable attorneys' fees for any action brought
26 to enforce this section.

27 **Sec. 3.** RCW 50.20.043 and 1985 c 40 s 1 are each amended to read
28 as follows:

29 (1) No otherwise eligible individual shall be denied benefits for
30 any week because the individual is in training with the approval of the
31 commissioner, nor shall such individual be denied benefits with respect
32 to any week in which the individual is satisfactorily progressing in a
33 training program with the approval of the commissioner by reason of the
34 application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1)
35 relating to availability for work and active search for work, or
36 failure to apply for or refusal to accept suitable work.

37 (2) An individual shall be considered to be in training with the
38 approval of the commissioner if the individual is one who:

1 (a)(i) The commissioner determines to be a dislocated worker as
2 defined by RCW 50.04.075; or

3 (ii) Fits the department's profile of unemployed workers who are
4 likely to exhaust their benefits; and ((who))

5 (b) Is satisfactorily progressing in a training program approved by
6 the commissioner ((shall be considered to be in training with the
7 approval of the commissioner)).

8 (3) At the time of filing for an initial determination, individuals
9 determined to be dislocated workers as defined in RCW 50.04.075 or who
10 fit the department's profile of unemployed workers who are likely to
11 exhaust their benefits shall be provided with information concerning
12 the opportunity, if the individual is otherwise eligible, to receive
13 benefits while satisfactorily progressing in training approved by the
14 commissioner.

15 NEW SECTION. Sec. 4. The commissioner may adopt rules as
16 necessary to implement the 1995 c ... ss 1 and 3 (sections 1 and 3 of
17 this act) amendments to RCW 50.20.010 and 50.20.043 and section 2 of
18 this act, including but not limited to definitions, eligibility
19 standards, program review criteria and procedures, and provisions
20 necessary to comply with applicable federal laws and regulations that
21 are a condition to receipt of federal funds by the state or the
22 granting of federal unemployment tax credits to employers in this
23 state.

24 NEW SECTION. Sec. 5. If any part of this act is found to be in
25 conflict with federal requirements that are a prescribed condition to
26 the allocation of federal funds to the state or the eligibility of
27 employers in this state for federal unemployment tax credits, the
28 conflicting part of this act is hereby declared to be inoperative
29 solely to the extent of the conflict, and such finding or determination
30 shall not affect the operation of the remainder of this act. The rules
31 under this act shall meet federal requirements that are a necessary
32 condition to the receipt of federal funds by the state or the granting
33 of federal unemployment tax credits to employers in this state.

34 NEW SECTION. Sec. 6. This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

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