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HOUSE BILL 1696

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Wood, Conway and Cooper

Read first time 02/02/1999. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to strike or lockout disqualifications for  
2 unemployment benefits; and amending RCW 50.20.090.

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

4            **Sec. 1.** RCW 50.20.090 and 1988 c 83 s 1 are each amended to read  
5 as follows:

6            (1) An individual shall be disqualified for benefits for any week  
7 with respect to which the commissioner finds that the individual's  
8 unemployment is:

9            (a) Due to a strike at the factory, establishment, or other  
10 premises at which the individual is or was last employed; or

11            (b) Due to a lockout by his or her employer who is a member of a  
12 multi-employer bargaining unit and who has locked out the employees at  
13 the factory, establishment, or other premises at which the individual  
14 is or was last employed after one member of the multi-employer  
15 bargaining unit has been struck by its employees as a result of the  
16 multi-employer bargaining process.

17            (2) Subsection (1) of this section shall not apply if it is shown  
18 to the satisfaction of the commissioner that:

1 (a) The individual is not participating in or financing or directly  
2 interested in the strike or lockout that caused the individual's  
3 unemployment; and

4 (b) The individual does not belong to a grade or class of workers  
5 of which, immediately before the commencement of the strike or lockout,  
6 there were members employed at the premises at which the strike or  
7 lockout occurs, any of whom are participating in or financing or  
8 directly interested in the strike or lockout: PROVIDED, That if in any  
9 case separate branches of work which are commonly conducted as separate  
10 businesses in separate premises are conducted in separate departments  
11 of the same premises, each such department shall, for the purpose of  
12 this subdivision, be deemed to be a separate factory, establishment, or  
13 other premises.

14 (3) Subsection (1) of this section does not apply if it is shown to  
15 the satisfaction of the commissioner that the individual is  
16 participating in a strike which the regional director of the national  
17 labor relations board has considered and has made an initial  
18 determination that: (a) The strike was called due to an unfair labor  
19 practice of the employer; and (b) the employer engaged in an unfair  
20 labor practice. Individuals engaged in a strike meeting those criteria  
21 are eligible for benefits from the date the national labor relations  
22 board receives the unfair labor practice complaint. After the regional  
23 director's determination of an unfair labor practice, conditional  
24 payment shall be made for all benefits accruing from the date of  
25 eligibility. If a later ruling overturns the regional director's  
26 initial determination, benefit payments shall cease and any benefit  
27 payments made shall be subject to recoupment.

28 (4) Any disqualification imposed under this section shall end when  
29 the strike or lockout is terminated.

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