
HOUSE BILL 1438

State of Washington

66th Legislature

2019 Regular Session

By Representatives Chapman, Mosbrucker, Chandler, Gregerson, and Ormsby

Read first time 01/22/19. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to unemployment benefit eligibility for
2 apprentices; amending RCW 50.20.010, 50.20.230, and 50.20.240; and
3 creating a new section.

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

5 **Sec. 1.** RCW 50.20.010 and 2006 c 13 s 10 are each amended to
6 read as follows:

7 (1) 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 (a) 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
15 regular jobs and as to such other types of cases or situations with
16 respect to which the commissioner finds that the compliance with such
17 requirements would be oppressive, or would be inconsistent with the
18 purposes of this title;

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

1 (c) He or she is able to work, and is available for work in any
2 trade, occupation, profession, or business for which he or she is
3 reasonably fitted.

4 ~~(i) ((With respect to claims that have an effective date before
5 January 4, 2004, to be available for work an individual must be
6 ready, able, and willing, immediately to accept any suitable work
7 which may be offered to him or her and must be actively seeking work
8 pursuant to customary trade practices and through other methods when
9 so directed by the commissioner or the commissioner's agents.~~

10 ~~(ii) With respect to claims that have an effective date on or
11 after January 4, 2004,)~~ To be available for work, an individual must
12 be ready, able, and willing, immediately to accept any suitable work
13 which may be offered to him or her and must be actively seeking work
14 pursuant to customary trade practices and through other methods when
15 so directed by the commissioner or the commissioner's agents. If a
16 labor agreement or dispatch rules apply, customary trade practices
17 must be in accordance with the applicable agreement or rules.

18 (ii) For the purposes of this subsection, "customary trade
19 practices" includes compliance with an electrical apprenticeship
20 training program that includes a recognized referral system under
21 apprenticeship program standards approved by the Washington state
22 apprenticeship and training council;

23 (d) He or she has been unemployed for a waiting period of one
24 week;

25 (e) He or she participates in reemployment services if the
26 individual has been referred to reemployment services pursuant to the
27 profiling system established by the commissioner under RCW 50.20.011,
28 unless the commissioner determines that:

29 (i) The individual has completed such services; or

30 (ii) There is justifiable cause for the claimant's failure to
31 participate in such services; and

32 (f) As to weeks beginning after March 31, 1981, which fall within
33 an extended benefit period as defined in RCW 50.22.010, the
34 individual meets the terms and conditions of RCW 50.22.020 with
35 respect to benefits claimed in excess of twenty-six times the
36 individual's weekly benefit amount.

37 (2) An individual's eligibility period for regular benefits shall
38 be coincident to his or her established benefit year. An individual's
39 eligibility period for additional or extended benefits shall be the
40 periods prescribed elsewhere in this title for such benefits.

1 **Sec. 2.** RCW 50.20.230 and 1998 c 161 s 3 are each amended to
2 read as follows:

3 The employment security department will ensure that within a
4 reasonably short period of time after the initiation of benefits, all
5 unemployment insurance claimants, except those with employer
6 attachment, union referral, individuals complying with an electrical
7 apprenticeship training program that includes a recognized referral
8 system under apprenticeship program standards approved by the
9 Washington state apprenticeship and training council, in
10 commissioner-approved training, or the subject of antiharassment
11 orders, register for job search in an electronic labor exchange
12 system that supports direct employer access for the purpose of
13 selecting job applicants.

14 **Sec. 3.** RCW 50.20.240 and 2006 c 13 s 16 are each amended to
15 read as follows:

16 (1)(a) To ensure that following the initial application for
17 benefits, an individual is actively engaged in searching for work,
18 the employment security department shall implement a job search
19 monitoring program. (~~Effective January 4, 2004,~~) The department
20 shall contract with employment security agencies in other states to
21 ensure that individuals residing in those states and receiving
22 benefits under this title are actively engaged in searching for work
23 in accordance with the requirements of this section. The department
24 may use interactive voice technology and other electronic means to
25 ensure that individuals are subject to comparable job search
26 monitoring, regardless of whether they reside in Washington or
27 elsewhere.

28 (b) Except for those individuals with employer attachment or
29 union referral, individuals complying with an electrical
30 apprenticeship training program that includes a recognized referral
31 system under apprenticeship program standards approved by the
32 Washington state apprenticeship and training council, individuals who
33 qualify for unemployment compensation under RCW 50.20.050 (1)(b)(iv)
34 or (2)(b)(iv), as applicable, and individuals in commissioner-
35 approved training, an individual who has received five or more weeks
36 of benefits under this title, regardless of whether the individual
37 resides in Washington or elsewhere, must provide evidence of seeking
38 work, as directed by the commissioner or the commissioner's agents,
39 for each week beyond five in which a claim is filed. (~~With regard to~~

1 ~~claims with an effective date before January 4, 2004, the evidence~~
2 ~~must demonstrate contacts with at least three employers per week or~~
3 ~~documented in-person job search activity at the local reemployment~~
4 ~~center. With regard to claims with an effective date on or after~~
5 ~~January 4, 2004,))~~ The evidence must demonstrate contacts with at
6 least three employers per week or documented in-person job search
7 activities at the local reemployment center at least three times per
8 week.

9 (c) In developing the requirements for the job search monitoring
10 program, the commissioner or the commissioner's agents shall utilize
11 an existing advisory committee having equal representation of
12 employers and workers.

13 (2) (~~Effective January 4, 2004,)~~) An individual who fails to
14 comply fully with the requirements for actively seeking work under
15 RCW 50.20.010 shall lose all benefits for all weeks during which the
16 individual was not in compliance, and the individual shall be liable
17 for repayment of all such benefits under RCW 50.20.190.

18 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act apply to
19 claimed weeks of unemployment on or after July 5, 2020.

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