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HOUSE BILL 1872

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State of Washington

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By Representatives Van Luven, Jones, Vance, R. King, Fuhrman, Cole, Wilson, Padden, Paris, Bowman, Brough, May and Winsley.

Read first time February 13, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employer experience rating; and amending RCW  
2 50.29.020.

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

4 **Sec. 1.** RCW 50.29.020 and 1988 c 27 s 1 are each amended to read  
5 as follows:

6 (1) An experience rating account shall be established and  
7 maintained for each employer, except employers as described in RCW  
8 50.44.010 and 50.44.030 who have properly elected to make payments in  
9 lieu of contributions, taxable local government employers as described  
10 in RCW 50.44.035, and those employers who are required to make payments  
11 in lieu of contributions, based on existing records of the employment  
12 security department. Benefits paid to any eligible individuals shall  
13 be charged to the experience rating accounts of each of such  
14 individual's employers during the individual's base year in the same  
15 ratio that the wages paid by each employer to the individual during the

1 base year bear to the wages paid by all employers to that individual  
2 during that base year, except as otherwise provided in this section.

3 (2) The legislature finds that certain benefit payments, in whole  
4 or in part, should not be charged to the experience rating accounts of  
5 employers except those employers described in RCW 50.44.010 and  
6 50.44.030 who have properly elected to make payments in lieu of  
7 contributions, taxable local government employers described in RCW  
8 50.44.035, and those employers who are required to make payments in  
9 lieu of contributions, as follows:

10 (a) Benefits paid to any individuals later determined to be  
11 ineligible shall not be charged to the experience rating account of any  
12 contribution paying employer.

13 (b) Benefits paid to an individual under the provisions of RCW  
14 50.12.050 shall not be charged to the account of any contribution  
15 paying employer if the wage credits earned in this state by the  
16 individual during his or her base year are less than the minimum amount  
17 necessary to qualify the individual for unemployment benefits.

18 (c) Benefits paid to an individual filing under the provisions of  
19 chapter 50.06 RCW shall not be charged to the experience rating account  
20 of any contribution paying employer.

21 (d) Benefits paid which represent the state's share of benefits  
22 payable under chapter 50.22 RCW shall not be charged to the experience  
23 rating account of any contribution paying employer.

24 (e) In the case of individuals who requalify for benefits under RCW  
25 50.20.050 or 50.20.060, benefits based on wage credits earned prior to  
26 the disqualifying separation shall not be charged to the experience  
27 rating account of the contribution paying employer from whom that  
28 separation took place.

29 (f)(i) Benefits paid to an individual as the result of a  
30 determination by the commissioner that no stoppage of work exists,

1 pursuant to RCW 50.20.090, shall not be charged to the experience  
2 rating account of any contribution paying employer.

3 (ii) Benefits paid to an individual under RCW 50.20.090(1) for  
4 weeks of unemployment ending before February 20, 1987, shall not be  
5 charged to the experience rating account of any base year employer.

6 (g) In the case of individuals identified under RCW 50.20.015,  
7 benefits paid with respect to a calendar quarter, which exceed the  
8 total amount of wages earned in the state of Washington in the higher  
9 of two corresponding calendar quarters included within the individual's  
10 determination period, as defined in RCW 50.20.015, shall not be charged  
11 to the experience rating account of any contribution paying employer.

12 (h) Beginning July 1, 1985, a contribution-paying base year  
13 employer, not otherwise eligible for relief of charges for benefits  
14 under this section, may receive such relief if:

15 (i) The benefit charges result from payment to an individual who  
16 last left the employ of such employer voluntarily for reasons not  
17 attributable to the employer, or was discharged for misconduct  
18 connected with his or her work; and

19 (ii) The employer requests relief of charges in writing within  
20 thirty days following mailing to the last known address of the  
21 notification of the initial determination of such a claim, stating the  
22 date and reason for the last leaving; and

23 (iii) Upon investigation of the separation, the commissioner rules  
24 that the relief should be granted.

25 (i) Benefits paid to an individual who does not successfully  
26 complete an approved on-the-job training program under RCW 50.12.240  
27 shall not be charged to the experience rating account of the  
28 contribution paying employer who provided the approved on-the-job  
29 training.

1 (j) Benefits paid resulting from a closure or severe curtailment of  
2 operations at the employer's plant, building, work site, or facility  
3 due to damage caused by fire, flood, or other natural disaster shall  
4 not be charged to the experience rating account of the employer if:

5 (i) The employer petitions for relief of charges; and

6 (ii) The commissioner approves granting relief of charges.

7 (k) Benefits paid to an individual whose employment was terminated  
8 within sixty days of the individual's hiring due to the individual's  
9 lack of satisfactory performance shall not be charged to the experience  
10 rating account of the contribution paying employer.