
SUBSTITUTE HOUSE BILL 2438

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Prentice, Franklin, R. King, Jones, G. Cole, Basich and J. Kohl)

Read first time 02/07/92.

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 is a recognition by this
11 legislature of the economic hardship confronting those persons who have
12 not been promptly reemployed after a prolonged period of temporary
13 total disability.

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

3 The benefits of this chapter shall be allowed only to:

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

10 (2) Individuals who are reentering the work force after an absence
11 resulting from temporary total disability because of a nonwork-related
12 injury or illness.

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

15 (1) In the case of individuals eligible under RCW 50.06.020(1), an
16 application for initial determination made pursuant to this chapter, to
17 be considered timely, must be filed in writing with the employment
18 security department within twenty-six weeks following the week in which
19 the period of temporary total disability commenced. Notice from the
20 department of labor and industries shall satisfy this requirement. The
21 records of the agency supervising the award of compensation shall be
22 conclusive evidence of the fact of temporary disability and the
23 beginning date of such disability.

24 (2) In the case of individuals eligible under RCW 50.06.020(2), an
25 application for initial determination may be filed in writing at any
26 time after the individual begins seeking suitable employment.

27 (3) The employment security department shall process and issue an
28 initial determination of entitlement or nonentitlement as the case may
29 be.

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

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

1 department shall use the last four completed calendar quarters as the
2 base year.

3 NEW SECTION. **Sec. 4.** If any part of this act is found to be
4 in conflict with federal requirements which are a prescribed condition
5 to the allocation of federal funds to the state or the eligibility of
6 employers in this state for federal unemployment tax credits, the
7 conflicting part of this act is hereby declared to be inoperative
8 solely to the extent of the conflict, and such finding or determination
9 shall not affect the operation of the remainder of this act. The rules
10 under this act shall meet federal requirements which are a necessary
11 condition to the receipt of federal funds by the state or the granting
12 of federal unemployment tax credits to employers in this state.

13 NEW SECTION. **Sec. 5.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.