
HOUSE BILL 2454

State of Washington

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1992 Regular Session

By Representatives Jones, Basich, Hargrove, Riley, Sheldon, P. Johnson, Heavey, Bowman, Jacobsen, Paris, McLean, Wynne, Morton, Chandler and J. Kohl

Read first time 01/17/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to additional unemployment insurance benefits;
2 amending RCW 50.22.090; creating new sections; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the timber
6 retraining benefits program as enacted in RCW 50.22.090 did not provide
7 benefits to workers who were unemployed more than one year prior to its
8 effective date. In order to provide benefits to these individuals,
9 this act extends the benefits of the timber retraining benefits program
10 to any eligible worker who filed an unemployment claim beginning on or
11 after January 1, 1989.

12 **Sec. 2.** RCW 50.22.090 and 1991 c 315 s 4 are each amended to read
13 as follows:

1 (1) An additional benefit period is established for counties
2 identified under subsection (2) of this section beginning on the first
3 Sunday after July 1, 1991, and for the forest products industry
4 beginning with the third week after the first Sunday after July 1,
5 1991. Benefits shall be paid as provided in subsection (3) of this
6 section to exhaustees eligible under subsection (4) of this section.

7 (2) The additional benefit period applies to counties having a
8 population of less than five hundred thousand beginning with the third
9 week after a week in which the commissioner determines that a county
10 meets two of the following three criteria, as determined by the
11 department, for the most recent year in which such data is available:

12 (a) A lumber and wood products employment location quotient at or above
13 the state average; (b) projected or actual direct lumber and wood
14 products job losses of one hundred positions or more, except counties
15 having a population greater than two hundred thousand but less than
16 five hundred thousand must have direct lumber and wood products job
17 losses of one thousand positions or more; or (c) an annual unemployment
18 rate twenty percent or more above the state average. The additional
19 benefit period for a county may end no sooner than fifty-two weeks
20 after the additional benefit period begins.

21 (3) Additional benefits shall be paid as follows:

22 (a) No new claims for additional benefits shall be accepted for
23 weeks beginning after July 3, 1993, but for claims established on or
24 before July 3, 1993, weeks of unemployment occurring after July 3,
25 1993, shall be compensated as provided in this section.

26 (b) The total additional benefit amount shall be fifty-two times
27 the individual's weekly benefit amount, reduced by the total amount of
28 regular benefits and extended benefits paid, or deemed paid, with
29 respect to the benefit year. Additional benefits shall not be payable
30 for weeks more than one year beyond the end of the benefit year of the

1 regular claim for an individual whose benefit year ends on or after
2 July 27, 1991, and shall not be payable for weeks ending on or after
3 one year after the effective date of this act for individuals who
4 become eligible as a result of chapter ---, Laws of 1992 (this act),
5 and shall be payable for up to five weeks following the completion of
6 the training required by this section.

7 (c) The weekly benefit amount shall be calculated as specified in
8 RCW 50.22.040.

9 (d) Benefits paid under this section shall be paid under the same
10 terms and conditions as regular benefits and shall not be charged to
11 the experience rating account of individual employers. The additional
12 benefit period shall be suspended with the start of an extended benefit
13 period, or any totally federally funded benefit program, with
14 eligibility criteria and benefits comparable to the program established
15 by this section, and shall resume the first week following the end of
16 the federal program.

17 (4) An additional benefit eligibility period is established for any
18 exhaustee who:

19 (a)(i) At the time of last separation from employment, resided in
20 or was employed in a county identified under subsection (2) of this
21 section; or

22 (ii) During his or her base year, earned wages in at least six
23 hundred eighty hours in the forest products industry, which shall be
24 determined by the department but shall include the industries assigned
25 the major group standard industrial classification codes "24" and "26"
26 and the industries involved in the harvesting and management of logs,
27 transportation of logs and wood products, processing of wood products,
28 and the manufacturing and distribution of wood processing and logging
29 equipment. The commissioner may adopt rules further interpreting the
30 industries covered under this subsection. For the purposes of this

1 subsection, "standard industrial classification code" means the code
2 identified in RCW 50.29.025(6)(c); and

3 (b)(i) Has received notice of termination or layoff; and

4 (ii) Is unlikely to return to employment in his or her principal
5 occupation or previous industry because of a diminishing demand within
6 his or her labor market for his or her skills in the occupation or
7 industry; and

8 (c)(i) Is notified by the department of the requirements of this
9 section and develops an individual training program that is submitted
10 to the commissioner for approval not later than sixty days after the
11 individual is notified of the requirements of this section, and enters
12 the approved training program not later than ninety days after the date
13 of the individual's termination or layoff, or ninety days after July 1,
14 1991, whichever is later, unless the department determines that the
15 training is not available during the ninety-day period, in which case
16 the individual shall enter training as soon as it is available; or

17 (ii) Is enrolled in training approved under this section on a full-
18 time basis and maintains satisfactory progress in the training; and

19 (d) Does not receive a training allowance or stipend under the
20 provisions of any federal or state law.

21 (5) For the purposes of this section:

22 (a) "Training program" means:

23 (i) A remedial education program determined to be necessary after
24 counseling at the educational institution in which the individual
25 enrolls pursuant to his or her approved training program; or

26 (ii) A vocational training program at an educational institution
27 that:

28 (A) Is training for a labor demand occupation;

29 (B) Is likely to facilitate a substantial enhancement of the
30 individual's marketable skills and earning power; and

1 (C) Does not include on-the-job training or other training under
2 which the individual is paid by an employer for work performed by the
3 individual during the time that the individual receives additional
4 benefits under subsection (1) of this section.

5 (b) "Educational institution" means an institution of higher
6 education as defined in RCW 28B.10.016 or an educational institution as
7 defined in RCW 28C.04.410(3).

8 (c) "Training allowance or stipend" means discretionary use, cash-
9 in-hand payments available to the individual to be used as the
10 individual sees fit, but does not mean direct or indirect compensation
11 for training costs, such as tuition or books and supplies.

12 (6) The commissioner shall adopt rules as necessary to implement
13 this section.

14 (7) For the purpose of this section, an individual who has a
15 benefit year beginning after January 1, 1989, and ending before July
16 27, 1991, shall be treated as if his or her benefit year ended on July
17 27, 1991.

18 NEW SECTION. Sec. 3. If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. Sec. 4. If any part of this act is found to be
23 in conflict with federal requirements that are a prescribed condition
24 to the allocation of federal funds to the state or the eligibility of
25 employers in this state for federal unemployment tax credits, the
26 conflicting part of this act is hereby declared to be inoperative
27 solely to the extent of the conflict, and such finding or determination
28 shall not affect the operation of the remainder of this act. The rules

1 under this act shall meet federal requirements that are a necessary
2 condition to the receipt of federal funds by the state or the granting
3 of federal unemployment tax credits to employers in this state.

4 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect immediately.