
HOUSE BILL 2044

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Conway and Jones; by request of Employment Security Department

Read first time 02/24/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to extended benefits for unemployment compensation;
2 and amending RCW 50.22.010, 50.22.020, 50.22.030, and 50.22.050.

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

4 **Sec. 1.** RCW 50.22.010 and 1985 ex.s. c 5 s 10 are each amended to
5 read as follows:

6 As used in this chapter, unless the context clearly indicates
7 otherwise:

8 (1) "Extended benefit period" means a period which:

9 (a) Begins with the third week after a week for which there is an
10 "on" indicator; and

11 (b) Ends with the third week after the first week for which there
12 is an "off" indicator: PROVIDED, That no extended benefit period shall
13 last for a period of less than thirteen consecutive weeks, and further
14 that no extended benefit period may begin by reason of an "on"
15 indicator before the fourteenth week after the close of a prior
16 extended benefit period which was in effect with respect to this state.

17 (2) There is an "on" indicator for this state for a week if the
18 commissioner determines, in accordance with the regulations of the

1 United States secretary of labor, that for the period consisting of
2 such week and the immediately preceding twelve weeks(~~(7)~~):

3 (a) The rate of insured unemployment (~~(+)~~), not seasonally
4 adjusted(~~(+)~~ either:

5 (a)), ~~(+)~~ equaled or exceeded one hundred twenty percent of the
6 average of such rates for the corresponding thirteen-week period ending
7 in each of the preceding two calendar years and equaled or exceeded
8 five percent; or

9 (b) (~~Equaled or exceeded six percent: PROVIDED, That the six~~
10 percent trigger shall apply only until December 31, 1985)) ~~For benefits~~
11 for weeks of unemployment beginning after March 6, 1993:

12 (i) The average rate of total unemployment, seasonally adjusted, as
13 determined by the United States secretary of labor, for the period
14 consisting of the most recent three months for which data for all
15 states are published before the close of the week equals or exceeds six
16 and one-half percent; and

17 (ii) The average rate of total unemployment in the state,
18 seasonally adjusted, as determined by the United States secretary of
19 labor, for the three-month period referred to in (b)(i) of this
20 subsection, equals or exceeds one hundred ten percent of the average
21 for either or both of the corresponding three-month periods ending in
22 the two preceding calendar years.

23 (3) "High unemployment period" means any period of unemployment
24 beginning after March 6, 1993, during which an extended benefit period
25 would be in effect if:

26 (a) The average rate of total unemployment, seasonally adjusted, as
27 determined by the United States secretary of labor, for the period
28 consisting of the most recent three months for which data for all
29 states are published before the close of the week equals or exceeds
30 eight percent; and

31 (b) The average rate of total unemployment in the state, seasonally
32 adjusted, as determined by the United States secretary of labor, for
33 the three-month period referred to in (a) of this subsection, equals or
34 exceeds one hundred ten percent of the average for either or both of
35 the corresponding three-month periods ending in the two preceding
36 calendar years.

37 (4) There is an "off" indicator for this state for a week (~~if the~~
38 commissioner determines, in accordance with the regulations of the
39 United States secretary of labor, that for the period consisting of

1 such week and the immediately preceding twelve weeks, the rate of
2 insured unemployment (not seasonally adjusted) was either:

3 (a) Less than five percent; or

4 (b) Five percent or more but less than six percent and the rate of
5 insured unemployment was less than one hundred twenty percent of the
6 average of the rates for the corresponding thirteen week period ending
7 in each of the two preceding calendar years: PROVIDED, That the six
8 percent trigger shall apply only until December 31, 1985)) only if, for
9 the period consisting of such week and immediately preceding twelve
10 weeks, none of the options specified in subsection (2) or (3) of this
11 section result in an "on" indicator.

12 ((+4)) (5) "Regular benefits" means benefits payable to an
13 individual under this title or under any state law (including benefits
14 payable to federal civilian employees and to ex-servicemen pursuant to
15 5 U.S.C. chapter 85) other than extended benefits or additional
16 benefits.

17 ((+5)) (6) "Extended benefits" means benefits payable for weeks of
18 unemployment beginning in an extended benefit period to an individual
19 under this title or under any state law (including benefits payable to
20 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.
21 chapter 85) other than regular or additional benefits.

22 ((+6)) (7) "Additional benefits" are benefits totally financed by
23 the state and payable under this title to exhaustees by reason of
24 conditions of high unemployment or by reason of other special factors.

25 ((+7)) (8) "Eligibility period" of an individual means the period
26 consisting of the weeks in his or her benefit year which begin in an
27 extended benefit period that is in effect in this state and, if his or
28 her benefit year ends within such extended benefit period, any weeks
29 thereafter which begin in such period.

30 ((+8)) (9) "Additional benefit eligibility period" of an
31 individual means the period consisting of the weeks in his or her
32 benefit year which begin in an additional benefit period that is in
33 effect and, if his or her benefit year ends within such additional
34 benefit period, any weeks thereafter which begin in such period.

35 ((+9)) (10) "Exhaustee" means an individual who, with respect to
36 any week of unemployment in his or her eligibility period:

37 (a) Has received, prior to such week, all of the regular benefits
38 that were payable to him or her under this title or any other state law
39 (including dependents' allowances and regular benefits payable to

1 federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85)
2 in his or her current benefit year that includes such week; or
3 (b) Has received, prior to such week, all of the regular benefits
4 that were available to him or her under this title or any other state
5 law (including dependents' allowances and regular benefits available to
6 federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85)
7 in his or her current benefit year that includes such week, after the
8 cancellation of some or all of his or her wage credits or the total or
9 partial reduction of his or her rights to regular benefits: PROVIDED,
10 That, for the purposes of (a) and (b), an individual shall be deemed to
11 have received in his or her current benefit year all of the regular
12 benefits that were payable to him or her, or available to him or her,
13 as the case may be, even though:
14 (i) As a result of a pending appeal with respect to wages or
15 employment, or both, that were not included in the original monetary
16 determination with respect to his or her current benefit year, he or
17 she may subsequently be determined to be entitled to more regular
18 benefits; or
19 (ii) By reason of the seasonal provisions of another state law, he
20 or she is not entitled to regular benefits with respect to such week of
21 unemployment (although he or she may be entitled to regular benefits
22 with respect to future weeks of unemployment in the next season, as the
23 case may be, in his or her current benefit year), and he or she is
24 otherwise an exhaustee within the meaning of this section with respect
25 to his or her right to regular benefits under such state law seasonal
26 provisions during the season or off season in which that week of
27 unemployment occurs; or
28 (iii) Having established a benefit year, no regular benefits are
29 payable to him or her during such year because his or her wage credits
30 were canceled or his or her right to regular benefits was totally
31 reduced as the result of the application of a disqualification; or
32 (c) His or her benefit year having ended prior to such week, he or
33 she has insufficient wages or employment, or both, on the basis of
34 which he or she could establish in any state a new benefit year that
35 would include such week, or having established a new benefit year that
36 includes such week, he or she is precluded from receiving regular
37 benefits by reason of the provision in RCW 50.04.030 which meets the
38 requirement of section 3304(a)(7) of the Federal Unemployment Tax Act,
39 or the similar provision in any other state law; and

1 (d)(i) Has no right for such week to unemployment benefits or
2 allowances, as the case may be, under the Railroad Unemployment
3 Insurance Act, the Trade Expansion Act of 1962, and such other federal
4 laws as are specified in regulations issued by the United States
5 secretary of labor; and

6 (ii) Has not received and is not seeking for such week unemployment
7 benefits under the unemployment compensation law of Canada, unless the
8 appropriate agency finally determines that he or she is not entitled to
9 unemployment benefits under such law for such week.

10 (~~(10)~~) (11) "State law" means the unemployment insurance law of
11 any state, approved by the United States secretary of labor under
12 section 3304 of the internal revenue code of 1954.

13 **Sec. 2.** RCW 50.22.020 and 1981 c 35 s 8 are each amended to read
14 as follows:

15 When the result would not be inconsistent with the other provisions
16 of this chapter, the provisions of this title and commissioner's
17 regulations enacted pursuant thereto, which apply to claims for, or the
18 payment of, regular benefits, shall apply to claims for, and the
19 payment of, extended benefits: PROVIDED, That

20 (1) Payment of extended compensation under this chapter shall not
21 be made to any individual for any week of unemployment in his or her
22 eligibility period--

23 (a) During which he or she fails to accept any offer of suitable
24 work (as defined in subsection (3) of this section) or fails to apply
25 for any suitable work to which he or she was referred by the employment
26 security department; or

27 (b) During which he or she fails to actively engage in seeking
28 work.

29 (2) If any individual is ineligible for extended compensation for
30 any week by reason of a failure described in subsections (1)(a) or
31 (1)(b) of this section, the individual shall be ineligible to receive
32 extended compensation for any week which begins during a period which--

33 (a) Begins with the week following the week in which such failure
34 occurs; and

35 (b) Does not end until such individual has been employed during at
36 least four weeks which begin after such failure and the total of the
37 remuneration earned by the individual for being so employed is not less

1 than the product of four multiplied by the individual's weekly benefit
2 amount (as determined under RCW 50.20.120) for his or her benefit year.

3 (3) For purposes of this section, the term "suitable work" means,
4 with respect to any individual, any work which is within such
5 individual's capabilities and which does not involve conditions
6 described in RCW 50.20.110: PROVIDED, That if the individual furnishes
7 evidence satisfactory to the employment security department that such
8 individual's prospects for obtaining work in his or her customary
9 occupation within a reasonably short period are good, the determination
10 of whether any work is suitable work with respect to such individual
11 shall be made in accordance with RCW 50.20.100.

12 (4) Extended compensation shall not be denied under subsection
13 (1)(a) of this section to any individual for any week by reason of a
14 failure to accept an offer of, or apply for, suitable work if:

15 (a) The gross average weekly remuneration payable to such
16 individual for the position does not exceed the sum of--

17 (i) The individual's weekly benefit amount (as determined under RCW
18 50.20.120) for his or her benefit year; plus

19 (ii) The amount (if any) of supplemental unemployment compensation
20 benefits (as defined in section 501(c)(17)(D) of the Internal Revenue
21 Code of 1954, 26 U.S.C. Sec. 501(c)(17)(D)), payable to such individual
22 for such week;

23 (b) The position was not offered to such individual in writing and
24 was not listed with the employment security department;

25 (c) Such failure would not result in a denial of compensation under
26 the provisions of RCW 50.20.080 and 50.20.100 to the extent such
27 provisions are not inconsistent with the provisions of subsections (3)
28 and (5) of this section; or

29 (d) The position pays wages less than the higher of--

30 (i) The minimum wage provided by section (6)(a)(1) of the Fair
31 Labor Standards Act of 1938, without regard to any exemption; or

32 (ii) Any applicable state or local minimum wage.

33 (5) For purposes of this section, an individual shall be treated as
34 actively engaged in seeking work during any week if:

35 (a) The individual has engaged in a systematic and sustained effort
36 to obtain work during such week; and

37 (b) The individual provides tangible evidence to the employment
38 security department that he or she has engaged in such an effort during
39 such week.

1 (6) The employment security department shall refer applicants for
2 benefits under this chapter to any suitable work to which subsections
3 (4)(a) through (4)(d) of this section would not apply.

4 (7) No provisions of this title which terminates a disqualification
5 for voluntarily leaving employment, being discharged for misconduct, or
6 refusing suitable employment shall apply for purposes of determining
7 eligibility for extended compensation unless such termination is based
8 upon employment subsequent to the date of such disqualification.

9 (8) The provisions of subsections (1) through (7) of this section
10 shall apply with respect to weeks of unemployment beginning after March
11 31, 1981. However, the provisions of subsections (1) through (7) of
12 this section shall not apply to those weeks of unemployment beginning
13 after March 6, 1993, and before January 1, 1995.

14 **Sec. 3.** RCW 50.22.030 and 1982 1st ex.s. c 18 s 4 are each amended
15 to read as follows:

16 (1) An individual shall be eligible to receive extended benefits
17 with respect to any week of unemployment in his or her eligibility
18 period only if the commissioner finds with respect to such week that:

19 (a) The individual is an "exhaustee" as defined in RCW 50.22.010;

20 (b) He or she has satisfied the requirements of this title for the
21 receipt of regular benefits that are applicable to individuals claiming
22 extended benefits, including not being subject to a disqualification
23 for the receipt of benefits; and

24 (c) He or she has earned wages in the applicable base year of at
25 least:

26 (i) Forty times his or her weekly benefit amount; or

27 (ii) One and one-half times his or her insured wages in the
28 calendar quarter of the base period in which the insured wages are the
29 highest, for weeks of unemployment on or after July 3, 1992.

30 (2) An individual filing an interstate claim in any state under the
31 interstate benefit payment plan shall not be eligible to receive
32 extended benefits for any week beyond the first two weeks claimed for
33 which extended benefits are payable unless an extended benefit period
34 embracing such week is also in effect in the agent state.

35 **Sec. 4.** RCW 50.22.050 and 1982 1st ex.s. c 18 s 5 are each amended
36 to read as follows:

1 (1) The total extended benefit amount payable to any eligible
2 individual with respect to his or her applicable benefit year shall be
3 the least of the following amounts:

4 (a) Fifty percent of the total amount of regular benefits which
5 were payable to him or her under this title in his or her applicable
6 benefit year;

7 (b) Thirteen times his or her weekly benefit amount which was
8 payable to him or her under this title for a week of total unemployment
9 in the applicable benefit year; or

10 (c) Thirty-nine times his or her weekly benefit amount which was
11 payable to him or her under this title for a week of total unemployment
12 in the applicable benefit year, reduced by the total amount of regular
13 benefits which were paid (or deemed paid) to him or her under this
14 title with respect to the benefit year.

15 (2) Notwithstanding any other provision of this chapter, if the
16 benefit year of any eligible individual ends within an extended benefit
17 period, the extended benefits which the individual would otherwise be
18 entitled to receive with respect to weeks of unemployment beginning
19 after the end of the benefit year and within the extended benefit
20 period shall be reduced (but not below zero) by the product of the
21 number of weeks for which the individual received any amount as a trade
22 readjustment allowance within that benefit year, multiplied by the
23 individual's weekly extended benefit amount.

24 (3) Effective for weeks beginning in a high unemployment period as
25 defined in RCW 50.22.010(3) the total extended benefit amount payable
26 to any eligible individual with respect to his or her applicable
27 benefit year shall be the least of the following amounts:

28 (a) Eighty percent of the total amount of regular benefits that
29 were payable to him or her under this title in his or her applicable
30 benefit year;

31 (b) Twenty times his or her weekly benefit amount that was payable
32 to him or her under this title for a week of total unemployment in the
33 applicable benefit year; or

34 (c) Forty-six times his or her weekly benefit amount that was
35 payable to him or her under this title for a week of total unemployment
36 in the applicable benefit year, reduced by the total amount of regular

1 benefits which were paid, or deemed paid, to him or her under this
2 title with respect to the benefit year.

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