
SENATE BILL 5465

State of Washington 53rd Legislature 1993 Regular Session

By Senators Prentice, Vognild, Moore, Sutherland and Fraser

Read first time 01/29/93. Referred to Committee on Labor & Commerce.

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.

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

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

17 (1) Individuals who have suffered a temporary total disability and
18 have received compensation under the industrial insurance or crime

1 victims compensation laws of this state, any other state or the United
2 States for a period of not less than thirteen consecutive calendar
3 weeks by reason of such temporary total disability (~~shall be allowed~~
4 ~~the benefits of this chapter~~); or

5 (2) Individuals who are reentering the work force after an absence
6 of not less than thirteen consecutive calendar weeks resulting from
7 temporary total physical disability because of a nonwork-related injury
8 or illness.

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

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

20 (2) In the case of individuals eligible under RCW 50.06.020(2), an
21 application for initial determination must be filed in writing with the
22 employment security department within twenty-six weeks following the
23 week in which the period of temporary total physical disability
24 commenced. This filing requirement is satisfied by filing a signed
25 statement from the attending physician stating the date that the
26 disability commenced and stating that the individual was unable to
27 reenter the work force during the time of the disability. The
28 department may examine any medical information related to the
29 disability. If the claim is appealed, a base year employer may examine
30 the medical information related to the disability and require, at the
31 employer's expense, that the individual obtain the opinion of a second
32 health care provider selected by the employer concerning any
33 information related to the disability.

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

37 (4) For the purpose of this chapter, a special base year is
38 established for an individual consisting of either the first four of

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

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

31 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
32 conflict with federal requirements which are a prescribed condition to
33 the allocation of federal funds to the state or the eligibility of
34 employers in this state for federal unemployment tax credits, the
35 conflicting part of this act is hereby declared to be inoperative
36 solely to the extent of the conflict, and such finding or determination
37 shall not affect the operation of the remainder of this act. The rules
38 under this act shall meet federal requirements which are a necessary

1 condition to the receipt of federal funds by the state or the granting
2 of federal unemployment tax credits to employers in this state.

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

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