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ENGROSSED SENATE BILL 5819

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State of Washington

56th Legislature

1999 Regular Session

By Senators Shin, Costa and Eide; by request of Governor Locke

Read first time 02/10/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to additional unemployment benefits; amending RCW  
2 50.22.090, 50.29.020, and 43.131.385; creating a new section; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 50.22.090 and 1997 c 367 s 4 are each amended to read  
6 as follows:

7 (1) An additional benefit period is established for (~~rural natural~~  
8 ~~resources impact areas, defined in this section, and determined by the~~  
9 ~~office of financial management and the employment security department~~)  
10 aerospace workers, timber workers, and fin fishers, and for other  
11 dislocated workers defined in RCW 50.04.075. Benefits shall be paid as  
12 provided in subsection (3) of this section to exhaustees eligible under  
13 subsection (4) of this section.

14 (2) The additional benefit period for (~~a county~~) this program may  
15 end no sooner than fifty-two weeks after the additional benefit period  
16 begins.

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

18 (a) (~~No new claims for additional benefits shall be accepted for~~  
19 ~~weeks beginning after July 1, 1999, but for claims established on or~~

1 before July 1, 1999, weeks of unemployment occurring after July 1,  
2 1999, shall be compensated as provided in this section.

3 (b)) The total additional benefit amount shall be one hundred four  
4 times the individual's weekly benefit amount, reduced by the total  
5 amount of regular benefits and extended benefits paid, or deemed paid,  
6 with respect to the benefit year for aerospace workers, timber workers,  
7 and fin fishers, but the additional benefits for these three categories  
8 of workers shall be discontinued as of June 30, 2001. For other  
9 dislocated workers as defined in RCW 50.04.075, the total additional  
10 benefit amount shall be fifty-two times the individual's weekly benefit  
11 amount, reduced by the total amount of regular benefits and extended  
12 benefits paid, or deemed paid, with respect to the benefit year.  
13 Additional benefits shall not be payable for weeks more than two years  
14 beyond the end of the benefit year of the regular claim ((for an  
15 individual whose benefit year ends on or after July 27, 1991, and shall  
16 not be payable for weeks ending on or after two years after March 26,  
17 1992, for individuals who become eligible as a result of chapter 47,  
18 Laws of 1992.

19 (c) Notwithstanding the provisions of (b) of this subsection,  
20 individuals will be entitled to up to five additional weeks of benefits  
21 following the completion or termination of training.

22 (d) Notwithstanding the provisions of (b) of this subsection,  
23 individuals enrolled in prerequisite remedial education for a training  
24 program expected to last at least one year will be entitled to up to  
25 thirteen additional weeks of benefits which shall not count toward the  
26 total in (b) of this subsection.

27 (e)) (b) The weekly benefit amount shall be calculated as  
28 specified in RCW 50.22.040.

29 ((f)) (c) Benefits paid under this section shall be paid under  
30 the same terms and conditions as regular benefits. The additional  
31 benefits ((period)) shall be ((suspended with the start of an)) paid  
32 before any extended benefits ((period,)) or any totally federally  
33 funded benefit program((, with eligibility criteria and benefits  
34 comparable to the program established by this section, and shall resume  
35 the first week following the end of the federal program.

36 (g) The amendments in chapter 316, Laws of 1993 affecting  
37 subsection (3)(b) and (c) of this section shall apply in the case of  
38 all individuals determined to be monetarily eligible under this section  
39 without regard to the date eligibility was determined)).

1 (4) An additional benefit eligibility period is established for any  
2 exhaustee who:

3 (a)(i) ~~((At the time of last separation from employment resides in  
4 a county with an unemployment rate for 1996 at least twenty percent or  
5 more above the state average and at least fifteen percent above their  
6 own county unemployment rate in 1988 and the county meets one of the  
7 following two criteria:~~

8 ~~(A) It is a county with a lumber and woods products employment  
9 quotient at least three times the state average and has experienced  
10 actual job losses in these industries since 1988 of one hundred jobs or  
11 more or fifty or more jobs in a county with a population of forty  
12 thousand or less; or~~

13 ~~(B) It is a county with a commercial salmon fishing employment  
14 quotient at least three times the state average and has experienced  
15 actual job losses in this industry since 1988 of one hundred jobs or  
16 more or fifty or more jobs in a county with a population of forty  
17 thousand or less; and~~

18 ~~(I) The exhaustee)) Has during his or her base year earned wages of  
19 at least ((one thousand)) six hundred eighty hours((; and~~

20 ~~(II) The exhaustee is determined by the employment security  
21 department in consultation with its labor market and economic analysis  
22 division to be a displaced worker; or~~

23 ~~(ii) During his or her base year, earned wages in at least one  
24 thousand hours)) in ((either)) the aerospace industry assigned the  
25 standard industrial classification code "372," the forest products  
26 industry, which shall be determined by the department but shall include  
27 the industries assigned the major group standard industrial  
28 classification codes "24" and "26" and the industries involved in the  
29 harvesting and management of logs, transportation of logs and wood  
30 products, processing of wood products, and the manufacturing and  
31 distribution of wood processing and logging equipment or the fishing  
32 industry assigned the standard industrial classification code "0912".  
33 The commissioner may adopt rules further interpreting the industries  
34 covered under this subsection. For the purposes of this subsection,  
35 "standard industrial classification code" means the code identified in  
36 RCW 50.29.025(6)(c); ((and~~

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

38 ~~(ii) Is determined to be a dislocated worker as defined in RCW  
39 50.04.075; or~~

1        (iii) Is unlikely, in the determination of the employment security  
2 department in consultation with its labor market and economic analysis  
3 division, to return to employment in his or her principal occupation or  
4 previous industry because of a diminishing demand within his or her  
5 labor market for his or her skills in the occupation or industry; and

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

16        (ii) Is enrolled in training approved under this section on a full-  
17 time basis and maintains satisfactory progress in the training. ~~((By  
18 April 1, 1998, the employment security department must redetermine a  
19 new list of eligible and ineligible counties based on a comparison of  
20 1988 and 1997 employment rates. Any changed eligibility status will  
21 apply only to new claims for regular unemployment insurance effective  
22 after April 1, 1998.))~~

23        (5) For the purposes of this section:

24        (a) "Training program" means:

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

28        (ii) A vocational training program at an educational institution  
29 that:

30        (A) Is training for a labor demand occupation; and

31        (B) Is likely to facilitate a substantial enhancement of the  
32 individual's marketable skills and earning power.

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

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

1 (6) The commissioner shall adopt rules as necessary to implement  
2 this section.

3 (7) The provisions of RCW 50.22.010(10) shall not apply to anyone  
4 who establishes eligibility for additional benefits under this section  
5 (~~and whose benefit year ends after January 1, 1994. These individuals~~  
6 ~~will have the option of remaining on the original claim or filing a new~~  
7 ~~claim)).~~

8 (8) All base year employers will be considered interested parties  
9 as specified in RCW 50.20.180 which gives them the right to appeal the  
10 granting of additional benefits.

11 **Sec. 2.** RCW 50.29.020 and 1995 c 57 s 3 are each amended to read  
12 as follows:

13 (1) An experience rating account shall be established and  
14 maintained for each employer, except employers as described in RCW  
15 50.44.010 and 50.44.030 who have properly elected to make payments in  
16 lieu of contributions, taxable local government employers as described  
17 in RCW 50.44.035, and those employers who are required to make payments  
18 in lieu of contributions, based on existing records of the employment  
19 security department. Benefits paid to any eligible individuals shall  
20 be charged to the experience rating accounts of each of such  
21 individual's employers during the individual's base year in the same  
22 ratio that the wages paid by each employer to the individual during the  
23 base year bear to the wages paid by all employers to that individual  
24 during that base year, except as otherwise provided in this section.

25 (2) The legislature finds that certain benefit payments, in whole  
26 or in part, should not be charged to the experience rating accounts of  
27 employers except those employers described in RCW 50.44.010 and  
28 50.44.030 who have properly elected to make payments in lieu of  
29 contributions, taxable local government employers described in RCW  
30 50.44.035, and those employers who are required to make payments in  
31 lieu of contributions, as follows:

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

35 (b) Benefits paid to an individual filing under the provisions of  
36 chapter 50.06 RCW shall not be charged to the experience rating account  
37 of any contribution paying employer only if:

1 (i) The individual files under RCW 50.06.020(1) after receiving  
2 crime victims' compensation for a disability resulting from a nonwork-  
3 related occurrence; or

4 (ii) The individual files under RCW 50.06.020(2).

5 (c) Benefits paid which represent the state's share of benefits  
6 payable under (~~chapter 50.22~~) RCW 50.22.010(6) shall not be charged  
7 to the experience rating account of any contribution paying employer.

8 (d) In the case of individuals who requalify for benefits under RCW  
9 50.20.050 or 50.20.060, benefits based on wage credits earned prior to  
10 the disqualifying separation shall not be charged to the experience  
11 rating account of the contribution paying employer from whom that  
12 separation took place.

13 (e) In the case of individuals identified under RCW 50.20.015,  
14 benefits paid with respect to a calendar quarter, which exceed the  
15 total amount of wages earned in the state of Washington in the higher  
16 of two corresponding calendar quarters included within the individual's  
17 determination period, as defined in RCW 50.20.015, shall not be charged  
18 to the experience rating account of any contribution paying employer.

19 (3)(a) (~~Beginning July 1, 1985,~~) A contribution-paying base year  
20 employer, not otherwise eligible for relief of charges for benefits  
21 under this section, may receive such relief if the benefit charges  
22 result from payment to an individual who:

23 (i) Last left the employ of such employer voluntarily for reasons  
24 not attributable to the employer;

25 (ii) Was discharged for misconduct connected with his or her work  
26 not a result of inability to meet the minimum job requirements;

27 (iii) Is unemployed as a result of closure or severe curtailment of  
28 operation at the employer's plant, building, work site, or other  
29 facility. This closure must be for reasons directly attributable to a  
30 catastrophic occurrence such as fire, flood, or other natural disaster;  
31 or

32 (iv) Continues to be employed on a regularly scheduled permanent  
33 part-time basis by a base year employer and who at some time during the  
34 base year was concurrently employed and subsequently separated from at  
35 least one other base year employer. Benefit charge relief ceases when  
36 the employment relationship between the employer requesting relief and  
37 the claimant is terminated. This subsection does not apply to shared  
38 work employers under chapter 50.60 RCW.

1 (b) The employer requesting relief of charges under this subsection  
2 must request relief in writing within thirty days following mailing to  
3 the last known address of the notification of the valid initial  
4 determination of such claim, stating the date and reason for the  
5 separation or the circumstances of continued employment. The  
6 commissioner, upon investigation of the request, shall determine  
7 whether relief should be granted.

8 **Sec. 3.** RCW 43.131.385 and 1997 c 367 s 18 are each amended to  
9 read as follows:

10 The rural natural resources impact area programs shall be  
11 terminated on June 30, 2000, as provided in RCW 43.131.386, except for  
12 the program under RCW 50.22.090, which shall be terminated June 30,  
13 2001.

14 NEW SECTION. **Sec. 4.** If any part of this act is found to be in  
15 conflict with federal requirements that are a prescribed condition to  
16 the allocation of federal funds to the state or the eligibility of  
17 employers in this state for federal unemployment tax credits, the  
18 conflicting part of this act is inoperative solely to the extent of the  
19 conflict, and the finding or determination does not affect the  
20 operation of the remainder of this act. Rules adopted under this act  
21 must meet federal requirements that are a necessary condition to the  
22 receipt of federal funds by the state or the granting of federal  
23 unemployment tax credits to employers in this state.

24 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

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