
SENATE BILL 6235

State of Washington

56th Legislature

2000 Regular Session

By Senator Fairley; by request of Employment Security Department

Read first time 01/11/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to allowing an employer to request relief of
2 benefit charges within thirty days of notice of the claim being filed;
3 amending RCW 50.29.020; creating a new section; and providing an
4 effective date.

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

6 **Sec. 1.** RCW 50.29.020 and 1995 c 57 s 3 are each amended to read
7 as follows:

8 (1) An experience rating account shall be established and
9 maintained for each employer, except employers as described in RCW
10 50.44.010 and 50.44.030 who have properly elected to make payments in
11 lieu of contributions, taxable local government employers as described
12 in RCW 50.44.035, and those employers who are required to make payments
13 in lieu of contributions, based on existing records of the employment
14 security department. Benefits paid to any eligible individuals shall
15 be charged to the experience rating accounts of each of such
16 individual's employers during the individual's base year in the same
17 ratio that the wages paid by each employer to the individual during the
18 base year bear to the wages paid by all employers to that individual
19 during that base year, except as otherwise provided in this section.

1 (2) The legislature finds that certain benefit payments, in whole
2 or in part, should not be charged to the experience rating accounts of
3 employers except those employers described in RCW 50.44.010 and
4 50.44.030 who have properly elected to make payments in lieu of
5 contributions, taxable local government employers described in RCW
6 50.44.035, and those employers who are required to make payments in
7 lieu of contributions, as follows:

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

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

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

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

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

21 (d) In the case of individuals who requalify for benefits under RCW
22 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
23 the disqualifying separation shall not be charged to the experience
24 rating account of the contribution paying employer from whom that
25 separation took place.

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

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

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

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

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

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

13 (b) The employer requesting relief of charges under this subsection
14 must request relief in writing within thirty days (~~following mailing~~
15 ~~to the last known address of the notification of the valid initial~~
16 ~~determination of such claim, stating~~) of the date on which the first
17 notice was mailed to the employer's address of record with the
18 department. The first notice is the notice reasonably calculated to be
19 the first time the employer is informed that benefit payments may be
20 charged to the experience rating account of that employer. In the case
21 of a subsequent situation that may qualify for relief of charges, the
22 first notice is the first notice mailed to the employer after a
23 subsequent situation occurs. The written request for relief of charges
24 must include all pertinent facts including, but not limited to, the
25 date and reason for the separation or the circumstances of continued
26 employment. The commissioner, upon investigation of the request, shall
27 determine whether relief should be granted. The commissioner may
28 consider a request for benefit charge relief not received or postmarked
29 within the thirty-day period if the employer establishes good cause for
30 not requesting relief in a timely manner. Any denial of a request for
31 noncharging relief must be in writing and will be the basis of appeal
32 pursuant to RCW 50.32.050.

33 NEW SECTION. Sec. 2. If any part of this act is found to be in
34 conflict with federal requirements that are a prescribed condition to
35 the allocation of federal funds to the state or the eligibility of
36 employers in this state for federal unemployment tax credits, the
37 conflicting part of this act is inoperative solely to the extent of the
38 conflict, and the finding or determination does not affect the

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

5 NEW SECTION. **Sec. 3.** (1) This act takes effect July 1, 2000.

6 (2) This act applies to benefit charging relief situations, as
7 defined in RCW 50.29.020(3)(a), occurring on or after July 1, 2000.

--- END ---