
SENATE BILL 6368

State of Washington

56th Legislature

2000 Regular Session

By Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

Read first time 01/14/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to allowing unemployment benefits during lockouts;
2 amending RCW 50.20.120 and 50.04.030; creating new sections; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 50.20.120 and 1993 c 483 s 12 are each amended to read
6 as follows:

7 (1)(a) Subject to the other provisions of this title, benefits
8 shall be payable to any eligible individual during the individual's
9 benefit year in a maximum amount equal to the lesser of thirty times
10 the weekly benefit amount (determined hereinafter) or one-third of the
11 individual's base year wages under this title(~~(:—PROVIDED, That as~~
12 ~~to)).~~ However, maximum benefits may exceed this amount if the eligible
13 individual's unemployment is due to a lockout by his or her employer,
14 in which case benefits shall be payable until the lockout is
15 terminated.

16 (b) For any week beginning on and after March 31, 1981, which falls
17 in an extended benefit period as defined in RCW 50.22.010(1), ((as now
18 or hereafter amended,)) an individual's eligibility for maximum
19 benefits in excess of twenty-six times his or her weekly benefit amount

1 will be subject to the terms and conditions set forth in RCW
2 50.22.020(~~(, as now or hereafter amended)~~).

3 (2) An individual's weekly benefit amount shall be an amount equal
4 to one twenty-fifth of the average quarterly wages of the individual's
5 total wages during the two quarters of the individual's base year in
6 which such total wages were highest. The maximum and minimum amounts
7 payable weekly shall be determined as of each June 30th to apply to
8 benefit years beginning in the twelve-month period immediately
9 following such June 30th. The maximum amount payable weekly shall be
10 seventy percent of the "average weekly wage" for the calendar year
11 preceding such June 30th. The minimum amount payable weekly shall be
12 fifteen percent of the "average weekly wage" for the calendar year
13 preceding such June 30th. If any weekly benefit, maximum benefit, or
14 minimum benefit amount computed herein is not a multiple of one dollar,
15 it shall be reduced to the next lower multiple of one dollar.

16 **Sec. 2.** RCW 50.04.030 and 1991 c 117 s 1 are each amended to read
17 as follows:

18 (1) "Benefit year" with respect to each individual, means the
19 fifty-two consecutive week period beginning with the first day of the
20 calendar week in which the individual files an application for an
21 initial determination and thereafter the fifty-two consecutive week
22 period beginning with the first day of the calendar week in which the
23 individual next files an application for an initial determination after
24 the expiration of the individual's last preceding benefit year:
25 PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to
26 preclude the establishment of a new benefit year under the laws of
27 another state pursuant to any agreement providing for the interstate
28 combining of employment and wages and the interstate payment of
29 benefits nor shall this limitation be deemed to preclude the
30 commissioner from backdating an initial application at the request of
31 the claimant either for the convenience of the department of employment
32 security or for any other reason deemed by the commissioner to be good
33 cause.

34 (2) An individual's benefit year shall be extended to:

35 (a) Be fifty-three weeks when at the expiration of fifty-two weeks
36 the establishment of a new benefit year would result in the use of a
37 quarter of wages in the new base year that had been included in the
38 individual's prior base year; or

1 (b) The termination of the lockout if, at the expiration of fifty-
2 two weeks, the individual's benefits continue to be payable under RCW
3 50.20.120(1)(a) until the lockout is terminated.

4 (3)(a) No benefit year will be established unless it is determined
5 that the individual earned wages in "employment" in not less than six
6 hundred eighty hours of the individual's base year: PROVIDED, HOWEVER,
7 That a benefit year cannot be established if the base year wages
8 include wages earned prior to the establishment of a prior benefit year
9 unless the individual worked and earned wages since the last separation
10 from employment immediately before the application for initial
11 determination in the previous benefit year if the applicant was an
12 unemployed individual at the time of application, or since the initial
13 separation in the previous benefit year if the applicant was not an
14 unemployed individual at the time of filing an application for initial
15 determination for the previous benefit year, of not less than six times
16 the weekly benefit amount computed for the individual's new benefit
17 year.

18 (b) If an individual's prior benefit year was based on the last
19 four completed calendar quarters, a new benefit year shall not be
20 established until the new base year does not include any hours used in
21 the establishment of the prior benefit year.

22 (4) If the wages of an individual are not based upon a fixed
23 duration of time or if the individual's wages are paid at irregular
24 intervals or in such manner as not to extend regularly over the period
25 of employment, the wages for any week shall be determined in such
26 manner as the commissioner may by regulation prescribe. Such
27 regulation shall, so far as possible, secure results reasonably similar
28 to those which would prevail if the individual were paid his or her
29 wages at regular intervals.

30 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
31 conflict with federal requirements that are a prescribed condition to
32 the allocation of federal funds to the state or the eligibility of
33 employers in this state for federal unemployment tax credits, the
34 conflicting part of this act is inoperative solely to the extent of the
35 conflict, and the finding or determination does not affect the
36 operation of the remainder of this act. Rules adopted under this act
37 must meet federal requirements that are a necessary condition to the

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

3 NEW SECTION. **Sec. 4.** 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.

7 NEW SECTION. **Sec. 5.** This act applies beginning with weeks of
8 unemployment of claimants who were locked out by their employers after
9 January 13, 1999. A claimant who exhausted benefits before the
10 effective date of this section has the option of remaining on the
11 original claim or filing a new claim.

12 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

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