

1 **ESB 6097** - H AMD
2 By Representative Chandler

3 On page 2, after line 28, insert the following:

4 "Sec. 3. RCW 50.04.030 and 1991 c 117 s 1 are each amended to
5 read as follows:

6 (1) "Benefit year" with respect to each individual, means the
7 fifty-two consecutive week period beginning with the first day of
8 the calendar week in which the individual files an application for
9 an initial determination and thereafter the fifty-two consecutive
10 week period beginning with the first day of the calendar week in
11 which the individual next files an application for an initial
12 determination after the expiration of the individual's last
13 preceding benefit year: PROVIDED, HOWEVER, That the foregoing
14 limitation shall not be deemed to preclude the establishment of a
15 new benefit year under the laws of another state pursuant to any
16 agreement providing for the interstate combining of employment and
17 wages and the interstate payment of benefits nor shall this
18 limitation be deemed to preclude the commissioner from backdating
19 an initial application at the request of the claimant either for
20 the convenience of the department of employment security or for any
21 other reason deemed by the commissioner to be good cause.

22 (2) An individual's benefit year shall be extended to be fifty-
23 three weeks when at the expiration of fifty-two weeks the
24 establishment of a new benefit year would result in the use of a
25 quarter of wages in the new base year that had been included in the
26 individual's prior base year.

27 (3)(a) No benefit year will be established unless it is
28 determined that:

29 (i) The individual earned wages in "employment" in not less
30 than six hundred eighty hours of the individual's base year(~~(=~~
31 ~~PROVIDED, HOWEVER, That~~)); and

32 (ii) Beginning with claims that have an effective date on or
33 after January 4, 2004, the individual earned in his or her base

1 year not more than twice the average annual wage in employment with
2 one or more employers whose standard industrial classification code
3 is within major group "01," "02," "07," "091," "203," "209," and
4 "5148," or the equivalent code in the North American industry
5 classification system code.

6 (b) A benefit year cannot be established if the base year wages
7 include wages earned prior to the establishment of a prior benefit
8 year unless the individual worked and earned wages since the last
9 separation from employment immediately before the application for
10 initial determination in the previous benefit year if the applicant
11 was an unemployed individual at the time of application, or since
12 the initial separation in the previous benefit year if the
13 applicant was not an unemployed individual at the time of filing an
14 application for initial determination for the previous benefit
15 year, of not less than six times the weekly benefit amount computed
16 for the individual's new benefit year.

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

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

29 Renumber the remaining sections consecutively, correct internal
30 references accordingly, and correct the title.

31 On page 13, beginning on line 23, strike all of section 12 and
32 insert the following:

33 "NEW SECTION. **Sec. 12.** A new section is added to chapter
34 50.20 RCW to read as follows:

35 (1) With respect to claims that have an effective date on or
36 after January 2, 2005, an otherwise eligible individual may not be
37 denied benefits for any week because the individual is a part-time

1 worker and is available for, seeks, applies for, or accepts only
2 work of seventeen or fewer hours per week by reason of the
3 application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1)
4 relating to availability for work and active search for work, or
5 failure to apply for or refusal to accept suitable work.

6 (2) For purposes of this section, "part-time worker" means an
7 individual who: (a) Earned wages in "employment" in at least forty
8 weeks in the individual's base year; and (b) did not earn wages in
9 "employment" in more than seventeen hours per week in any weeks in
10 the individual's base year."

11 On page 16, line 21, after "(3)" strike the remainder of the
12 subsection and renumber the remaining subsections accordingly.

13 On page 16, line 28, strike "twenty" and insert "seventeen"

14 On page 16, beginning on line 35, strike all of section 14, and
15 renumber the remaining sections consecutively, correct internal
16 references accordingly, and correct the title.

17 On page 24, line 33, after "percent" insert "or, for employers
18 whose standard industrial classification code is within major group
19 "01," "02," "07," "091," "203," "209," or "5148," or the equivalent
20 code in the North American industry classification system code, may
21 not exceed six percent"

22 On page 35, beginning on line 29, strike all of subsection (d)

23 On page 36, beginning on line 28, strike all of subsection (f)

EFFECT: The amendment (1) makes individuals not eligible for
benefits if the individual earned more than twice the average
annual wage in the base year with employers in certain seasonal
industries, such as fishing, agriculture, and food processing;
(2) deletes special requirements relating to seasonal workers;
(3) changes the part-time worker requirements to require search
for work of at least 17 hours, not 20, per week; (4) deletes
the transitional training benefits program; and (5) adds a rate
cap of 6 percent for employers in certain seasonal industries,
such as fishing, agriculture, and food processing.