
SENATE BILL 6533

State of Washington 58th Legislature 2004 Regular Session

By Senators Spanel, Honeyford, Prentice, Keiser and Rasmussen

Read first time 01/22/2004. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to establishing a benefit year based on employment
2 in certain fishing-related industries assigned the North American
3 industry classification system codes "1141" and "3117"; and amending
4 RCW 50.04.030.

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

6 **Sec. 1.** RCW 50.04.030 and 1991 c 117 s 1 are each amended to read
7 as follows:

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

1 commissioner from backdating an initial application at the request of
2 the claimant either for the convenience of the department of employment
3 security or for any other reason deemed by the commissioner to be good
4 cause.

5 (2) An individual's benefit year shall be extended to be fifty-
6 three weeks when at the expiration of fifty-two weeks the establishment
7 of a new benefit year would result in the use of a quarter of wages in
8 the new base year that had been included in the individual's prior base
9 year.

10 ~~((No))~~ (3)(a) A benefit year ~~((will))~~ may not be established unless
11 it is determined that the individual earned wages in "employment" in
12 not less than six hundred eighty hours of the individual's base year(~~(+~~
13 ~~PROVIDED, HOWEVER, That))~~).

14 (b) A benefit year may not be established if an individual:

15 (i) Earned wages in employment in the fishing and seafood product
16 preparation and packaging industries assigned the North American
17 industry classification system codes "1141" and "3117" in not less than
18 six hundred eighty hours of the individual's base year; and

19 (ii) Earned at least seventy-five percent of his or her total base
20 year wages from employment in the fishing and seafood product
21 preparation and packaging industries; and

22 (iii) Has total base year wages from employment in the fishing and
23 seafood product preparation and packaging industries that are more than
24 1.4 times the average annual wage.

25 (c) A benefit year ~~((cannot))~~ may not be established if the base
26 year wages include wages earned prior to the establishment of a prior
27 benefit year unless the individual worked and earned wages since the
28 last separation from employment immediately before the application for
29 initial determination in the previous benefit year if the applicant was
30 an unemployed individual at the time of application, or since the
31 initial separation in the previous benefit year if the applicant was
32 not an unemployed individual at the time of filing an application for
33 initial determination for the previous benefit year, of not less than
34 six times the weekly benefit amount computed for the individual's new
35 benefit year.

36 (d) If an individual's prior benefit year was based on the last
37 four completed calendar quarters, a new benefit year ~~((shall))~~ may not

1 be established until the new base year does not include any hours used
2 in the establishment of the prior benefit year.

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

11 (5) Individuals who are separated from employment between two
12 customary work periods if they were employed during the first period
13 and have reasonable assurance of returning to work during the second
14 period, are not eligible for benefits during this nonwork period.
15 However, if the individual is not offered comparable employment with
16 the same employer in the second customary work period, they are
17 eligible for benefits beginning the first day of the second period.

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