

By Senator Holy

1 On page 2, beginning on line 5, after "judgment" strike all
2 material through "judgment" on line 6 and insert ". If a final
3 judgment finds that a strike is prohibited by state or federal law,
4 any benefits paid are liable for repayment as set forth in RCW
5 50.20.190"

6 On page 2, after line 15, insert the following:

7 "**Sec. 2.** RCW 50.20.160 and 2003 2nd sp.s. c 4 s 31 are each
8 amended to read as follows:

9 (1) A determination of amount of benefits potentially payable
10 issued pursuant to the provisions of RCW 50.20.120 and 50.20.140
11 shall not serve as a basis for appeal but shall be subject to request
12 by the claimant for reconsideration and/or for redetermination by the
13 commissioner at any time within one year from the date of delivery or
14 mailing of such determination, or any redetermination thereof:
15 PROVIDED, That in the absence of fraud or misrepresentation on the
16 part of the claimant, any benefits paid prior to the date of any
17 redetermination which reduces the amount of benefits payable shall
18 not be subject to recovery under the provisions of RCW 50.20.190. A
19 denial of a request to reconsider or a redetermination shall be
20 furnished the claimant in writing and provide the basis for appeal
21 under the provisions of RCW 50.32.020.

22 (2) A determination of denial of benefits issued under the
23 provisions of RCW 50.20.180 shall become final, in absence of timely
24 appeal therefrom: PROVIDED, That the commissioner may reconsider and
25 redetermine such determinations at any time within one year from
26 delivery or mailing to correct an error in identity, omission of
27 fact, or misapplication of law with respect to the facts.

28 (3) A determination of allowance of benefits shall become final,
29 in absence of a timely appeal therefrom: PROVIDED, That the
30 commissioner may redetermine such allowance at any time within two
31 years following the benefit year in which such allowance was made in
32 order to recover any benefits improperly paid and for which recovery

1 is provided under the provisions of RCW 50.20.190: AND PROVIDED
2 FURTHER, That in the absence of fraud, misrepresentation, or
3 nondisclosure, this provision or the provisions of RCW 50.20.190
4 shall not be construed so as to permit redetermination or recovery of
5 an allowance of benefits which having been made after consideration
6 of the provisions of RCW 50.20.010(1)(c), or the provisions of RCW
7 50.20.050, 50.20.060, or 50.20.080(~~(, or 50.20.090)~~) has become
8 final.

9 (4) A redetermination may be made at any time: (a) To conform to
10 a final court decision applicable to either an initial determination
11 or a determination of denial or allowance of benefits; (b) in the
12 event of a back pay award or settlement affecting the allowance of
13 benefits; or (c) in the case of fraud, misrepresentation, or willful
14 nondisclosure. Written notice of any such redetermination shall be
15 promptly given by mail or delivered to such interested parties as
16 were notified of the initial determination or determination of denial
17 or allowance of benefits and any new interested party or parties who,
18 pursuant to such regulation as the commissioner may prescribe, would
19 be an interested party."

20 Renumber the remaining sections consecutively and correct any
21 internal references accordingly.

22 On page 7, line 15, after "50.20.090" insert "and 50.20.160"

EFFECT: (1) Provides that if a final judgment finds that a strike is prohibited by state or federal law, any unemployment insurance benefits paid are liable for repayment under the recovery of benefit payment statute.

(2) Removes the provision that the disqualification would resume as of the date of a final judgment that the strike is prohibited by federal or state law.

(3) Removes a reference to the striking worker disqualification statute that prevents redetermination or recovery of benefits, thereby allowing the ESD commissioner's redetermination of benefit allowance within two years to recover benefits improperly paid and recovery under the recovery of benefit payment statute.

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