

HOUSE BILL REPORT

SB 5331

As Passed House:

April 7, 2023

Title: An act relating to job search requirements for unemployment insurance benefits.

Brief Description: Concerning job search requirements for unemployment insurance benefits.

Sponsors: Senators Conway, Saldaña, Keiser, Lovelett and Wilson, C.; by request of Employment Security Department.

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/21/23, 3/28/23 [DP].

Floor Activity:

Passed House: 4/7/23, 82-15.

Brief Summary of Bill

- Provides the Employment Security Department with ongoing, rather than temporary, discretion to accept alternative forms of evidence demonstrating compliance with the job search requirements for receiving unemployment insurance benefits.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

Staff: Kelly Leonard (786-7147).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The unemployment insurance (UI) system, administered by the Employment Security Department (Department), provides partial wage replacement benefits for workers who are unemployed through no fault of their own. A worker is eligible to receive UI benefits if he or she meets certain criteria, including that he or she is able and available to work in his or her trade, occupation, profession, or business.

With some exceptions, state law requires any worker receiving five or more weeks of UI benefits to provide evidence that he or she is seeking work on a weekly basis. To satisfy this requirement, a worker must show the Department that he or she made contact with at least three employers per week or participated in certain job search activities at the local reemployment center at least three times per week.

On March 25, 2020, the Governor issued Proclamation 20-30, temporarily suspending job search requirements. Senate Concurrent Resolution 8402, which the Legislature passed on January 15, 2021, extended the suspension of Proclamation 20-30 until the termination of the state of emergency or until rescinded by the Governor or the Legislature. In the 2021 Regular Legislative Session, the Legislature passed Substitute House Bill (SHB) 1493 which temporarily modified applicable statutes to allow the Department discretion to accept alternative forms of evidence from a worker in order to meet the intent of rigorous reemployment efforts. This discretion expires December 31, 2023.

In conjunction with the temporary changes to job search requirements, SHB 1493 also required the Department to assess the impacts of any flexibilities implemented in claimant job search methods, monitoring, and outcomes. The Department submitted a final report to the Legislature with the results of the assessment in December of 2022.

Summary of Bill:

The discretionary authority for the Department to accept alternative forms of evidence demonstrating compliance with the job search requirements for receiving UI benefits is extended on an ongoing basis. The expiration date is removed. The alternative forms of evidence must meet the objective of reemployment in suitable work, rather than the intent of rigorous reemployment efforts.

By July 1, 2024, and every two years thereafter, the Department, in consultation with an established advisory committee, must submit a report to the Legislature that details the impacts of any flexibilities utilized in claimant job search methods, monitoring, and outcomes. The report must include a section for advisory committee members to respond directly to the contents of the report.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) As a result of the COVID-19 pandemic, the Legislature provided the Department with flexibility on how to go about requiring unemployed workers to demonstrate compliance with job search requirements while collecting UI benefits. These alternatives were effective and also aligned with current ways in which people actually search for work. The default statutory requirements are too rigid. The bill makes this discretion ongoing, allowing the Department to take into account current working conditions and generally keep up with the modern world. The goal is for workers to gain employment quickly using the best available tools and technology. The Department will be required to regularly report to the Legislature, which will ensure accountability going forward.

(Opposed) None.

Persons Testifying: Senator Steve Conway, prime sponsor; and Caitlyn Jekel, Employment Security Department.

Persons Signed In To Testify But Not Testifying: None.