

SENATE BILL REPORT

SB 5240

As Passed Senate, February 28, 2023

Title: An act relating to unemployment insurance benefits appeal procedures.

Brief Description: Concerning unemployment insurance benefits appeal procedures.

Sponsors: Senators Braun, Keiser and Mullet; by request of Employment Security Department.

Brief History:

Committee Activity: Labor & Commerce: 1/17/23, 1/24/23 [DP].

Floor Activity: Passed Senate: 2/28/23, 47-0.

Brief Summary of Bill

- Adds disputes of unemployment insurance (UI) determinations of allowance or denial of allowance of benefits or redeterminations, in addition to a dispute of initial determinations, as issues in appeals proceedings regardless of the grounds in the notice of appeal.
- Removes provisions that in a UI appeal on a dispute of a claimant's claim for waiting period credit or UI benefits claim that all UI issues relating to the claimant's right to receive such credit or UI benefits for the period in question are deemed to be in issue regardless of the particular grounds in the notice of appeal; and the claimant's availability for work is determined apart from all other matters.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, MacEwen, Robinson, Schoesler and Stanford.

Staff: Susan Jones (786-7404)

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.

Background: Unemployment Benefit Eligibility Conditions. An unemployed individual (claimant) is eligible to receive unemployment insurance benefits (UI benefits) if the claimant:

- has worked at least 680 hours in the base year;
- was separated from employment through no fault of the individual or quit work for good cause;
- has registered for work at, and continues to report at, an employment office;
- has filed an application for an initial determination and made a claim for waiting period credit or for benefits;
- is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted;
- participates in reemployment services, if so referred; and
- has been unemployed for a waiting period of one week.

To be available for work, the claimant must be ready, able, and willing, to accept any suitable work immediately which may be offered and must be actively seeking work pursuant to customary trade practices. The Employment Security Department (ESD) administers Washington State's unemployment insurance program.

Appeals. A claimant or the most recent employer may file an appeal from any determination or redetermination with the appeal tribunal within 30 days after the date of notification or mailing, whichever is earlier, of such determination or redetermination. Appeals are made to the Office of Administrative Hearings (OAH).

In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination are deemed to be in issue regardless of the particular grounds in the notice of appeal.

In any proceeding before an appeal tribunal involving an appeal on a dispute of a claimant's claim for waiting period credit or UI benefits claim that all UI issues relating to the claimant's right to receive such credit or UI benefits for the period in question are deemed to be in issue regardless of the particular grounds in the claimant's notice of appeal. The claimant's availability for work is determined apart from all other matters. In any proceedings before an appeal tribunal involving a claimant's right to benefits, all parties are afforded an opportunity for a hearing after not less than seven days' notice.

Summary of Bill: In addition to a dispute of an individual's UI initial determination, a dispute of a determination of allowance or denial of allowance of benefits, or redetermination are deemed to be in issue in appeals proceedings regardless of the grounds in the notice of appeal.

The UI appeal provisions are removed that:

- in an appeal on a dispute of a claimant's claim for waiting period credit or UI benefits claim that all UI issues relating to the claimant's right to receive such credit or UI

- benefits for the period in question are deemed to be in issue regardless of the particular grounds set forth in the claimant's notice of appeal; and
- the claimant's availability for work is determined apart from all other matters.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill clarifies the appeals process and make it easier for claimants, employers, and judges. Current statute requires that a judge look at matters of able and available for any week in question before an appeal, regardless of the content of the appeal, subject, or what was raised in the appeal. Parties are being asked questions that they have already answered or were not prepared to answer. This bill will save time for judges and claimants and improve user experience. Current confusion in the system hinders the topics under discussion in an appeal and may lead to conflicting rulings between the judge and the Employment Security Department.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor; Joshua Sundt, Office of Administrative Hearings; Caitlyn Jekel, Employment Security Department.

Persons Signed In To Testify But Not Testifying: No one.