

# SENATE BILL REPORT

## SB 5331

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As Passed Senate, February 15, 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 & Commerce: 1/19/23, 1/24/23 [DP, w/oRec].

**Floor Activity:** Passed Senate: 2/15/23, 34-15.

**Brief Summary of Bill**

- Modifies the unemployment insurance work search requirements to allow the Employment Security Department (ESD) the ability to direct activities to meet the objective of reemployment in suitable work.
- Requires ESD to submit a report to the Legislature that details the impacts of any flexibilities utilized in claimant job search methods, monitoring, and outcomes.

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**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass.

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

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, MacEwen and Schoesler.

**Staff:** Susan Jones (786-7404)

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*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:** An unemployed individual is eligible to receive unemployment insurance benefits (benefits) if the individual:

- worked at least 680 hours in the base year;
- was separated from employment through no fault of the claimant's or quit work for good cause; and
- is able to work, available to work, and is actively searching for suitable work.

The Employment Security Department (ESD) administers Washington State's unemployment insurance program.

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training, and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual, ESD must also consider the degree of risk involved to the individual's health, safety, and morals, the degree of risk to the health of those residing with the individual during a public health emergency, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

To ensure that following the initial application for benefits, an individual is actively engaged in searching for work, ESD has a job search monitoring program. An individual who has received five or more weeks of benefits must provide evidence of seeking work for each week beyond five in which a claim is filed.

Until December 31, 2023, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activities at the local reemployment center at least three times per week, or as otherwise directed by ESD to meet the intent of rigorous reemployment efforts. On or after January 1, 2024, the evidence must demonstrate contacts with at least three employers per week or documented job search activities with the local reemployment center at least three times per week.

In developing the requirements for job search monitoring, ESD must utilize an existing advisory committee having equal representation of employers and workers.

An individual who fails to comply fully with the requirements for actively seeking work loses all benefits for all weeks during which the individual was not in compliance, and the individual will be liable for repayment of all such benefits.

**Summary of Bill:** The evidence of work requirements are modified. The evidence must demonstrate contacts with at least three employers per week or documented job search activities with the local reemployment center at least three times per week, or as otherwise directed by ESD to meet the objective of reemployment in suitable work.

By July 1, 2024, and then every two years, ESD, in consultation with the advisory committee, must submit a report to the appropriate committees of the Legislature that details the impacts of any flexibilities utilized in claimant job search methods, monitoring, and outcomes. The report must allow the advisory committee members to respond directly to the contents of the report.

**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 is an agency request bill to create more flexibility in job searches. The ESD has the ability to add additional criteria to the job search, which currently only counts job applications and visiting a work source center. This allows for more opportunities to count as part of a job search: job shadowing, job coaching service, internships, vocational rehabilitation program, and classes in ESL and computer training. This will help employers find the applicants that they want. This will allow UI claimants to get credit for a broader range of activities that best fit their needs. For the UI advisory committee, the business members were neutral and the others were in favor of the bill. The advisory committee was involved in the bill language. ESD produced a report regarding the flexibility for these activities.

The bill allows claimants to understand the requirements and are less likely to give up on their applications. Without the bill, there are limited choices. People look for work in a variety of ways. This bill allows more flexibilities for claimants to be more competitive and thoughtful in searching for work.

**Persons Testifying:** PRO: Senator Steve Conway, Prime Sponsor; Caitlyn Jekel, Employment Security Department; Anne Paxton, Unemployment Law Project; William Westmoreland, Pacific Mountain Workforce Development Council; Sybill Hyppolite, Washington State Labor Council, AFL-CIO.

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