
HOUSE BILL 1458

State of Washington

68th Legislature

2023 Regular Session

By Representatives Shavers, Fosse, Santos, Berry, Simmons, Alvarado, Doglio, Ormsby, Gregerson, and Pollet

Read first time 01/19/23. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to unemployment insurance benefits for
2 individuals participating in an apprenticeship program; amending RCW
3 50.20.010; creating new sections; and providing an effective date.

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

5 **Sec. 1.** RCW 50.20.010 and 2021 c 251 s 2 are each amended to
6 read as follows:

7 (1) An unemployed individual shall be eligible to receive waiting
8 period credits or benefits with respect to any week in his or her
9 eligibility period only if the commissioner finds that:

10 (a) The individual has registered for work at, and thereafter has
11 continued to report at, an employment office in accordance with such
12 regulation as the commissioner may prescribe, except that the
13 commissioner may by regulation waive or alter either or both of the
14 requirements of this subdivision as to individuals attached to
15 regular jobs and as to such other types of cases or situations with
16 respect to which the commissioner finds that the compliance with such
17 requirements would be oppressive, or would be inconsistent with the
18 purposes of this title;

19 (b) The individual has filed an application for an initial
20 determination and made a claim for waiting period credit or for
21 benefits in accordance with the provisions of this title;

1 (c) The individual is able to work, and is available for work in
2 any trade, occupation, profession, or business for which the
3 individual is reasonably fitted.

4 (i) To be available for work, an individual must be ready, able,
5 and willing, immediately to accept any suitable work which may be
6 offered to him or her and must be actively seeking work pursuant to
7 customary trade practices and through other methods when so directed
8 by the commissioner or the commissioner's agents. If a labor
9 agreement or dispatch rules apply, customary trade practices must be
10 in accordance with the applicable agreement or rules.

11 (ii) Until June 30, 2021, an individual under quarantine or
12 isolation, as defined by the department of health, as directed by a
13 public health official during the novel coronavirus outbreak pursuant
14 to the gubernatorial declaration of emergency of February 29, 2020,
15 will meet the requirements of this subsection (1)(c) if the
16 individual is able to perform, available to perform, and actively
17 seeking work which can be performed while under quarantine or
18 isolation.

19 (iii) For the purposes of this subsection, "customary trade
20 practices" includes compliance with an electrical apprenticeship
21 training program that includes a recognized referral system under
22 apprenticeship program standards approved by the Washington state
23 apprenticeship and training council;

24 (d) The individual has been unemployed for a waiting period of
25 one week;

26 (e) The individual participates in reemployment services if the
27 individual has been referred to reemployment services pursuant to the
28 profiling system established by the commissioner under RCW 50.20.011,
29 unless the commissioner determines that:

30 (i) The individual has completed such services; or

31 (ii) There is justifiable cause for the claimant's failure to
32 participate in such services; and

33 (f) As to weeks which fall within an extended benefit period as
34 defined in RCW 50.22.010, the individual meets the terms and
35 conditions of RCW 50.22.020 with respect to benefits claimed in
36 excess of twenty-six times the individual's weekly benefit amount.

37 (2) An individual's eligibility period for regular benefits shall
38 be coincident to his or her established benefit year. An individual's
39 eligibility period for additional or extended benefits shall be the
40 periods prescribed elsewhere in this title for such benefits.

1 (3) (a) For any weeks of unemployment insurance benefits when the
2 one week waiting period is fully paid or fully reimbursed by the
3 federal government, subsection (1) (d) of this section is waived.

4 (b) For any weeks of unemployment insurance benefits when the one
5 week waiting period is partially paid or partially reimbursed by the
6 federal government, the department may, by rule, elect to waive
7 subsection (1) (d) of this section.

8 (4) During the weeks of a public health emergency, an unemployed
9 individual may also meet the requirements of subsection (1) (c) of
10 this section if:

11 (a) The unemployed individual is able to perform, available to
12 perform, and actively seeking suitable work which can be performed
13 for an employer from the individual's home; and

14 (b) The unemployed individual or another individual residing with
15 the unemployed individual is at higher risk of severe illness or
16 death from the disease that is the subject of the public health
17 emergency because the higher risk individual:

18 (i) Was in an age category that is defined as high risk for the
19 disease that is the subject of the public health emergency by:

20 (A) The federal centers for disease control and prevention;

21 (B) The department of health; or

22 (C) The equivalent agency in the state where the individual
23 resides; or

24 (ii) Has an underlying health condition, verified as required by
25 the department by rule, that is identified as a risk factor for the
26 disease that is the subject of the public health emergency by:

27 (A) The federal centers for disease control and prevention;

28 (B) The department of health; or

29 (C) The equivalent agency in the state where the individual
30 resides.

31 (5) (a) During the weeks of a public health emergency, an
32 unemployed health care worker may also meet the requirements of
33 subsection (1) (c) of this section if the unemployed health care
34 worker described in RCW 50.20.050(3) and 50.29.021(1) (c) (iii) is able
35 to perform, available to perform, and actively seeking suitable work
36 which will commence after quarantine or which can be performed for an
37 employer from the individual's home.

38 (b) For purposes of this subsection, "health care worker" means
39 an individual who worked at a health care facility as defined in RCW

1 9A.50.010, and was directly involved in the delivery of health
2 services.

3 (6) For any individual who left work to enter an apprenticeship
4 program under RCW 50.20.050(1)(b)(xi), or who is currently enrolled
5 in an apprenticeship program and stopped work for a participating
6 employer to attend related or supplemental instruction required for
7 the apprenticeship program, subsection (1)(d) of this section is
8 waived.

9 NEW SECTION. Sec. 2. (1) The employment security department
10 shall convene a work group for the purpose of identifying and
11 addressing legal and procedural barriers faced by eligible claimants
12 participating in apprenticeship programs when those claimants seek
13 timely access to unemployment insurance benefits. The work group must
14 include representatives of apprenticeship programs and staff of the
15 department, as well as other appropriate stakeholders identified by
16 the department.

17 (2) The employment security department must submit a report with
18 findings and recommendations, including a status update on applicable
19 administrative efforts to reduce procedural barriers identified by
20 the work group, to the governor and appropriate committees of the
21 legislature by December 1, 2023, in accordance with the requirements
22 under RCW 43.01.036.

23 NEW SECTION. Sec. 3. If any part of this act is found to be in
24 conflict with federal requirements that are a prescribed condition to
25 the allocation of federal funds to the state, the conflicting part of
26 this act is inoperative solely to the extent of the conflict and with
27 respect to the agencies directly affected, and this finding does not
28 affect the operation of the remainder of this act in its application
29 to the agencies concerned. Rules adopted under this act must meet
30 federal requirements that are a necessary condition to the receipt of
31 federal funds by the state.

32 NEW SECTION. Sec. 4. Sections 1 and 3 of this act take effect
33 January 1, 2024.

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