

SENATE BILL REPORT

SB 6134

As of January 26, 2026

Title: An act relating to notice to striking workers applying for unemployment insurance benefits of potential overpayment assessment upon receipt of retroactive wages.

Brief Description: Concerning notice to striking workers applying for unemployment insurance benefits of potential overpayment assessment upon receipt of retroactive wages.

Sponsors: Senator King.

Brief History:

Committee Activity: Labor & Commerce: 1/26/26.

Brief Summary of Bill

- Requires the Employment Security Department to provide notice to a striking worker applying for unemployment insurance benefits of a potential overpayment assessment upon receipt of retroactive wages.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: Unemployment Insurance Benefits. The Employment Security Department (ESD) administers Washington State's unemployment insurance (UI) program. An unemployed individual is eligible to receive UI 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 a specified good cause; and
- is able and available to work and is actively searching for suitable work.

A claimant must be unemployed for a one-week waiting period before being eligible for UI benefits.

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.

Unemployment Insurance Benefits For Striking Workers. An individual is disqualified for benefits for any week if the ESD Commissioner finds that the individual's unemployment is due to a strike at the factory, establishment, or other premises at which the individual is or was last employed, with specified exceptions.

The disqualification ends on the earlier of:

- the second Sunday following the first date of the strike, provided that the strike is not found to be prohibited by federal or state law in a final judgment. If a final judgment finds that a strike is prohibited by state or federal law, any benefits paid are liable for repayment; or
- the date the strike is terminated.

When the disqualification ends, the individual is subject to the one week waiting period and may receive no more than six calendar weeks of benefits.

If an individual receives benefits while being unemployed due to a strike and the individual subsequently receives retroactive wages, ESD must issue an overpayment assessment to recover the corresponding benefits.

These provisions expire December 31, 2035, after which the provisions disqualifying a worker for the duration of a strike are reinstated.

Summary of Bill: ESD must provide notice to a striking worker applying for UI benefits of a potential overpayment assessment upon receipt of retroactive wages. The notice may be provided through an acknowledgement box in the online application, a letter, or another method reasonable determined to provide notice to the applicant.

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: If a striking worker is eligible for unemployment benefits, we want them to know that at the strike if agreement provides for retroactive wages, the unemployment benefits received will have to be repaid to the UI fund. It is simple. We want them to know what the requirements are. We want them to initial the notice so it is clear they understand.

This is a good solution to a problem that could be exacerbated by last year's decision to allow striking workers to receive unemployment benefits. A striking worker may reasonably

believe the UI benefits they receive are final and may later get an overpayment notice. This could be a problem for the worker and the UI trust fund. ESD reports that less than 60 percent of overpayments are recouped. This is concerning for the trust fund where payouts are expected to exceed collections. If this does not improve employer rates may rise. A solvency tax is expected for 2028 and 2029. This bill will protect workers and taxpayers.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Elizabeth New, Washington Policy Center.

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