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HOUSE BILL 2555

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Blake, McCoy, Delvin, Moeller, Ruderman, O'Brien, Hatfield, Haigh, Simpson, G., Kenney, Conway, Wood, Morrell, Linville, Kessler and Clibborn

Read first time 01/16/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to training benefits for pulp, paper, and  
2 paperboard workers; amending RCW 50.22.150; and declaring an emergency.

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

4 **Sec. 1.** RCW 50.22.150 and 2002 c 149 s 2 are each amended to read  
5 as follows:

6 (1) Subject to availability of funds, training benefits are  
7 available for an individual who is eligible for or has exhausted  
8 entitlement to unemployment compensation benefits and who:

9 (a) Is a dislocated worker as defined in RCW 50.04.075;

10 (b) Except as provided under subsection (2) of this section, has  
11 demonstrated, through a work history, sufficient tenure in an  
12 occupation or in work with a particular skill set. This screening will  
13 take place during the assessment process;

14 (c) Is, after assessment of demand for the individual's occupation  
15 or skills in the individual's labor market, determined to need job-  
16 related training to find suitable employment in his or her labor  
17 market. Beginning July 1, 2001, the assessment of demand for the  
18 individual's occupation or skill sets must be substantially based on  
19 declining occupation or skill sets identified in local labor market

1 areas by the local work force development councils, in cooperation with  
2 the employment security department and its labor market information  
3 division, under subsection (10) of this section;

4 (d) Develops an individual training program that is submitted to  
5 the commissioner for approval within sixty days after the individual is  
6 notified by the employment security department of the requirements of  
7 this section;

8 (e) Enters the approved training program by ninety days after the  
9 date of the notification, unless the employment security department  
10 determines that the training is not available during the ninety-day  
11 period, in which case the individual enters training as soon as it is  
12 available; and

13 (f) Is enrolled in training approved under this section on a full-  
14 time basis as determined by the educational institution, and is making  
15 satisfactory progress in the training as certified by the educational  
16 institution.

17 (2) Until June 30, 2002, the following individuals who meet the  
18 requirements of subsection (1) of this section may, without regard to  
19 the tenure requirements under subsection (1)(b) of this section,  
20 receive training benefits as provided in this section:

21 (a) An exhaustee who has base year employment in the aerospace  
22 industry assigned the standard industrial classification code "372" or  
23 the North American industry classification system code "336411";

24 (b) An exhaustee who has base year employment in the forest  
25 products industry, determined by the department, but including the  
26 industries assigned the major group standard industrial classification  
27 codes "24" and "26" or any equivalent codes in the North American  
28 industry classification system code, and the industries involved in the  
29 harvesting and management of logs, transportation of logs and wood  
30 products, processing of wood products, and the manufacturing and  
31 distribution of wood processing and logging equipment; or

32 (c) An exhaustee who has base year employment in the fishing  
33 industry assigned the standard industrial classification code "0912" or  
34 any equivalent codes in the North American industry classification  
35 system code.

36 (3) An individual is not eligible for training benefits under this  
37 section if he or she:

- 1 (a) Is a standby claimant who expects recall to his or her regular  
2 employer;
- 3 (b) Has a definite recall date that is within six months of the  
4 date he or she is laid off; or
- 5 (c) Is unemployed due to a regular seasonal layoff (~~which~~  
6 ~~demonstrates a pattern of unemployment consistent with the provisions~~  
7 ~~of RCW 50.20.015~~). Regular seasonal layoff does not include layoff  
8 due to permanent structural downsizing or structural changes in the  
9 individual's labor market.
- 10 (4) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.
- 12 (a) "Educational institution" means an institution of higher  
13 education as defined in RCW 28B.10.016 or an educational institution as  
14 defined in RCW 28C.04.410, including equivalent educational  
15 institutions in other states.
- 16 (b) "Sufficient tenure" means earning a plurality of wages in a  
17 particular occupation or using a particular skill set during the base  
18 year and at least two of the four twelve-month periods immediately  
19 preceding the base year.
- 20 (c) "Training benefits" means additional benefits paid under this  
21 section.
- 22 (d) "Training program" means:
- 23 (i) An education program determined to be necessary as a  
24 prerequisite to vocational training after counseling at the educational  
25 institution in which the individual enrolls under his or her approved  
26 training program; or
- 27 (ii) A vocational training program at an educational institution:
- 28 (A) That is targeted to training for a high demand occupation.  
29 Beginning July 1, 2001, the assessment of high demand occupations  
30 authorized for training under this section must be substantially based  
31 on labor market and employment information developed by local work  
32 force development councils, in cooperation with the employment security  
33 department and its labor market information division, under subsection  
34 (10) of this section;
- 35 (B) That is likely to enhance the individual's marketable skills  
36 and earning power; and
- 37 (C) That meets the criteria for performance developed by the work

1 force training and education coordinating board for the purpose of  
2 determining those training programs eligible for funding under Title I  
3 of P.L. 105-220.

4 "Training program" does not include any course of education  
5 primarily intended to meet the requirements of a baccalaureate or  
6 higher degree, unless the training meets specific requirements for  
7 certification, licensing, or for specific skills necessary for the  
8 occupation.

9 (5) Benefits shall be paid as follows:

10 (a)(i) Except as provided in (a)(~~(iii)~~) (ii) through (iv) of this  
11 subsection, for exhaustees who are eligible under subsection (1) of  
12 this section, the total training benefit amount shall be fifty-two  
13 times the individual's weekly benefit amount, reduced by the total  
14 amount of regular benefits and extended benefits paid, or deemed paid,  
15 with respect to the benefit year; or

16 (ii) For exhaustees who are eligible under subsection (2) of this  
17 section, for claims filed before June 30, 2002, the total training  
18 benefit amount shall be seventy-four times the individual's weekly  
19 benefit amount, reduced by the total amount of regular benefits and  
20 extended benefits paid, or deemed paid, with respect to the benefit  
21 year; or

22 (iii) For exhaustees eligible under subsection (1) of this section  
23 from industries listed under subsection (2)(a) of this section, for  
24 claims filed on or after June 30, 2002, but before January 5, 2003, the  
25 total training benefit amount shall be seventy-four times the  
26 individual's weekly benefit amount, reduced by the total amount of  
27 regular benefits and extended benefits paid, or deemed paid, with  
28 respect to the benefit year; or

29 (iv) The total training benefit amount shall be one hundred fifty-  
30 six times the individual's weekly benefit amount, reduced by the total  
31 amount of regular benefits and extended benefits paid, or deemed paid,  
32 with respect to the benefit year, for exhaustees who:

33 (A) Are eligible under subsection (1) of this section;

34 (B) Have base year employment in the pulp, paper, and paperboard  
35 industry assigned the North American industry classification system  
36 code "3221";

37 (C) Have claims with an effective date on or after November 30,  
38 2003, and before January 2, 2005; and

1       (D) Reside in a county with an annual unemployment rate twenty  
2 percent or more above the state average.

3       (b) The weekly benefit amount shall be the same as the regular  
4 weekly amount payable during the applicable benefit year and shall be  
5 paid under the same terms and conditions as regular benefits. The  
6 training benefits shall be paid before any extended benefits but not  
7 before any similar federally funded program.

8       (c)(i) Except as provided in (c)(ii) of this subsection, training  
9 benefits are not payable for weeks more than two years beyond the end  
10 of the benefit year of the regular claim.

11       (ii) For exhaustees described in (a)(iv) of this subsection,  
12 training benefits are not payable for weeks more than four years beyond  
13 the end of the benefit year of the regular claim.

14       (6) The requirement under RCW 50.22.010(10) relating to exhausting  
15 regular benefits does not apply to an individual otherwise eligible for  
16 training benefits under this section when the individual's benefit year  
17 ends before his or her training benefits are exhausted and the  
18 individual is eligible for a new benefit year. These individuals will  
19 have the option of remaining on the original claim or filing a new  
20 claim.

21       (7)(a) Except as provided in (b) of this subsection, individuals  
22 who receive training benefits under this section or under any previous  
23 additional benefits program for training are not eligible for training  
24 benefits under this section for five years from the last receipt of  
25 training benefits under this section or under any previous additional  
26 benefits program for training.

27       (b) With respect to claims that are filed before January 5, 2003,  
28 an individual in the aerospace industry assigned the standard  
29 industrial code "372" or the North American industry classification  
30 system code "336411" who received training benefits under this section,  
31 and who had been making satisfactory progress in a training program but  
32 did not complete the program, is eligible, without regard to the five-  
33 year limitation of this section and without regard to the requirement  
34 of subsection (1)(b) of this section, if applicable, to receive  
35 training benefits under this section in order to complete that training  
36 program. The total training benefit amount that applies to the  
37 individual is seventy-four times the individual's weekly benefit  
38 amount, reduced by the total amount of regular benefits paid, or deemed

1 paid, with respect to the benefit year in which the training program  
2 resumed and, if applicable, reduced by the amount of training benefits  
3 paid, or deemed paid, with respect to the benefit year in which the  
4 training program commenced.

5 (8) An individual eligible to receive a trade readjustment  
6 allowance under chapter 2 of Title II of the Trade Act of 1974, as  
7 amended, shall not be eligible to receive benefits under this section  
8 for each week the individual receives such trade readjustment  
9 allowance. An individual eligible to receive emergency unemployment  
10 compensation, so called, under any federal law, shall not be eligible  
11 to receive benefits under this section for each week the individual  
12 receives such compensation.

13 (9) All base year employers are interested parties to the approval  
14 of training and the granting of training benefits.

15 (10) By July 1, 2001, each local work force development council, in  
16 cooperation with the employment security department and its labor  
17 market information division, must identify occupations and skill sets  
18 that are declining and occupations and skill sets that are in high  
19 demand. For the purposes of RCW 50.22.130 through 50.22.150 and  
20 section 9, chapter 2, Laws of 2000, "high demand" means demand for  
21 employment that exceeds the supply of qualified workers for occupations  
22 or skill sets in a labor market area. Local work force development  
23 councils must use state and locally developed labor market information.  
24 Thereafter, each local work force development council shall update this  
25 information annually or more frequently if needed.

26 (11) The commissioner shall adopt rules as necessary to implement  
27 this section.

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

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