

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1903**

63rd Legislature  
2013 Regular Session

Passed by the House March 9, 2013  
Yeas 87 Nays 10

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2013  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1903** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1903

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Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Fitzgibbon and Ryu

Read first time 02/15/13. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to unemployment insurance benefit charging relief  
2 for part-time employers who continue to employ a claimant on a  
3 part-time basis and the claimant qualified for two consecutive claims  
4 with wages attributable to at least one employer who employed the  
5 claimant in both base years; amending RCW 50.29.021; creating a new  
6 section; and providing an effective date.

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

8 **Sec. 1.** RCW 50.29.021 and 2011 c 4 s 14 are each amended to read  
9 as follows:

10 (1) This section applies to benefits charged to the experience  
11 rating accounts of employers for claims that have an effective date on  
12 or after January 4, 2004.

13 (2)(a) An experience rating account shall be established and  
14 maintained for each employer, except employers as described in RCW  
15 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
16 payments in lieu of contributions, taxable local government employers  
17 as described in RCW 50.44.035, and those employers who are required to  
18 make payments in lieu of contributions, based on existing records of  
19 the employment security department.

1 (b) Benefits paid to an eligible individual shall be charged to the  
2 experience rating accounts of each of such individual's employers  
3 during the individual's base year in the same ratio that the wages paid  
4 by each employer to the individual during the base year bear to the  
5 wages paid by all employers to that individual during that base year,  
6 except as otherwise provided in this section.

7 (c) When the eligible individual's separating employer is a covered  
8 contribution paying base year employer, benefits paid to the eligible  
9 individual shall be charged to the experience rating account of only  
10 the individual's separating employer if the individual qualifies for  
11 benefits under:

12 (i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became  
13 unemployed after having worked and earned wages in the bona fide work;  
14 or

15 (ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through  
16 (x).

17 (3) The legislature finds that certain benefit payments, in whole  
18 or in part, should not be charged to the experience rating accounts of  
19 employers except those employers described in RCW 50.44.010, 50.44.030,  
20 and 50.50.030 who have properly elected to make payments in lieu of  
21 contributions, taxable local government employers described in RCW  
22 50.44.035, and those employers who are required to make payments in  
23 lieu of contributions, as follows:

24 (a) Benefits paid to any individual later determined to be  
25 ineligible shall not be charged to the experience rating account of any  
26 contribution paying employer. However, when a benefit claim becomes  
27 invalid due to an amendment or adjustment of a report where the  
28 employer failed to report or inaccurately reported hours worked or  
29 remuneration paid, or both, all benefits paid will be charged to the  
30 experience rating account of the contribution paying employer or  
31 employers that originally filed the incomplete or inaccurate report or  
32 reports. An employer who reimburses the trust fund for benefits paid  
33 to workers and who fails to report or inaccurately reported hours  
34 worked or remuneration paid, or both, shall reimburse the trust fund  
35 for all benefits paid that are based on the originally filed incomplete  
36 or inaccurate report or reports.

37 (b) Benefits paid to an individual filing under the provisions of

1 chapter 50.06 RCW shall not be charged to the experience rating account  
2 of any contribution paying employer only if:

3 (i) The individual files under RCW 50.06.020(1) after receiving  
4 crime victims' compensation for a disability resulting from a nonwork-  
5 related occurrence; or

6 (ii) The individual files under RCW 50.06.020(2).

7 (c) Benefits paid which represent the state's share of benefits  
8 payable as extended benefits defined under RCW 50.22.010(6) shall not  
9 be charged to the experience rating account of any contribution paying  
10 employer.

11 (d) In the case of individuals who requalify for benefits under RCW  
12 50.20.050 or 50.20.060, benefits based on wage credits earned prior to  
13 the disqualifying separation shall not be charged to the experience  
14 rating account of the contribution paying employer from whom that  
15 separation took place.

16 (e) Benefits paid to an individual who qualifies for benefits under  
17 RCW 50.20.050 (1)(b) (iv) or (xi) or (2)(b) (iv) or (xi), as  
18 applicable, shall not be charged to the experience rating account of  
19 any contribution paying employer.

20 (f) With respect to claims with an effective date on or after the  
21 first Sunday following April 22, 2005, benefits paid that exceed the  
22 benefits that would have been paid if the weekly benefit amount for the  
23 claim had been determined as one percent of the total wages paid in the  
24 individual's base year shall not be charged to the experience rating  
25 account of any contribution paying employer. This subsection (3)(f)  
26 does not apply to the calculation of contribution rates under RCW  
27 50.29.025 for rate year 2010 and thereafter.

28 (g) The forty-five dollar increase paid as part of an individual's  
29 weekly benefit amount as provided in RCW 50.20.1201 and the twenty-five  
30 dollar increase paid as part of an individual's weekly benefit amount  
31 as provided in RCW 50.20.1202 shall not be charged to the experience  
32 rating account of any contribution paying employer.

33 (h) With respect to claims where the minimum amount payable weekly  
34 is increased to one hundred fifty-five dollars pursuant to RCW  
35 50.20.1201(3), benefits paid that exceed the benefits that would have  
36 been paid if the minimum amount payable weekly had been calculated  
37 pursuant to RCW 50.20.120 shall not be charged to the experience rating  
38 account of any contribution paying employer.

1 (i) Upon approval of an individual's training benefits plan  
2 submitted in accordance with RCW 50.22.155(2), an individual is  
3 considered enrolled in training, and regular benefits beginning with  
4 the week of approval shall not be charged to the experience rating  
5 account of any contribution paying employer.

6 (j) Training benefits paid to an individual under RCW 50.22.155  
7 shall not be charged to the experience rating account of any  
8 contribution paying employer.

9 (4)(a) A contribution paying base year employer, not otherwise  
10 eligible for relief of charges for benefits under this section, may  
11 receive such relief if the benefit charges result from payment to an  
12 individual who:

13 (i) Last left the employ of such employer voluntarily for reasons  
14 not attributable to the employer;

15 (ii) Was discharged for misconduct or gross misconduct connected  
16 with his or her work not a result of inability to meet the minimum job  
17 requirements;

18 (iii) Is unemployed as a result of closure or severe curtailment of  
19 operation at the employer's plant, building, worksite, or other  
20 facility. This closure must be for reasons directly attributable to a  
21 catastrophic occurrence such as fire, flood, or other natural disaster;

22 (iv) Continues to be employed on a regularly scheduled permanent  
23 part-time basis by a base year employer and who at some time during the  
24 base year was concurrently employed and subsequently separated from at  
25 least one other base year employer. Benefit charge relief ceases when  
26 the employment relationship between the employer requesting relief and  
27 the claimant is terminated. This subsection does not apply to shared  
28 work employers under chapter ~~((50.06))~~ 50.60 RCW; ~~((or))~~

29 (v) Continues to be employed on a regularly scheduled permanent  
30 part-time basis by a base year employer and who qualified for two  
31 consecutive unemployment claims where wages were attributable to at  
32 least one employer who employed the individual in both base years.  
33 Benefit charge relief ceases when the employment relationship between  
34 the employer requesting relief and the claimant is terminated. This  
35 subsection does not apply to shared work employers under chapter 50.60  
36 RCW; or

37 (vi) Was hired to replace an employee who is a member of the  
38 military reserves or National Guard and was called to federal active

1 military service by the president of the United States and is  
2 subsequently laid off when that employee is reemployed by their  
3 employer upon release from active duty within the time provided for  
4 reemployment in RCW 73.16.035.

5 (b) The employer requesting relief of charges under this subsection  
6 must request relief in writing within thirty days following mailing to  
7 the last known address of the notification of the valid initial  
8 determination of such claim, stating the date and reason for the  
9 separation or the circumstances of continued employment. The  
10 commissioner, upon investigation of the request, shall determine  
11 whether relief should be granted.

12 NEW SECTION. **Sec. 2.** If any part of this act is found to be in  
13 conflict with federal requirements that are a prescribed condition to  
14 the allocation of federal funds to the state or the eligibility of  
15 employers in this state for federal unemployment tax credits, the  
16 conflicting part of this act is inoperative solely to the extent of the  
17 conflict, and the finding or determination does not affect the  
18 operation of the remainder of this act. Rules adopted under this act  
19 must meet federal requirements that are a necessary condition to the  
20 receipt of federal funds by the state or the granting of federal  
21 unemployment tax credits to employers in this state.

22 NEW SECTION. **Sec. 3.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2014.

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