

the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 28, 1984.

Passed the House February 16, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 134

[Substitute Senate Bill No. 3561]

UNEMPLOYMENT COMPENSATION—FULL TIME IN ACCORDANCE WITH AGREEMENT OR CONTRACT DEFINITION

AN ACT Relating to unemployment compensation; amending section 32, chapter 35, Laws of 1945 as amended by section 1, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.310; and amending section 33, chapter 35, Laws of 1945 as last amended by section 6, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.04.320.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 32, chapter 35, Laws of 1945 as amended by section 1, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.310 are each amended to read as follows:

(1) An individual shall be deemed to be "unemployed" in any week during which ~~((he))~~ the individual performs no services and with respect to which no remuneration is payable to ~~((him))~~ the individual, or in any week of less than full time work, if the remuneration payable to ~~((him))~~ the individual with respect to such week is less than one and one-third times ~~((his))~~ the individual's weekly benefit amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

(2) An individual shall be deemed not to be "unemployed" during any week which falls totally within a period during which the individual, pursuant to a collective bargaining agreement or individual employment contract, is employed full time in accordance with a definition of full time contained in the agreement or contract, and for which compensation for full time work is payable. This subsection may not be applied retroactively to an individual who had no guarantee of work at the start of such period and subsequently is provided additional work by the employer.

Sec. 2. Section 33, chapter 35, Laws of 1945 as last amended by section 6, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer

(hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in ~~((his))~~ the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: **PROVIDED**, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

The provisions of this section pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

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Passed the House February 24, 1984.

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