

ate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 17, 1970
Passed the Senate January 17, 1970
Approved by the Governor January 19, 1970
Filed in Office of Secretary of State January 19, 1970

CHAPTER 2
[Engrossed Senate Bill No. 8]
UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 3, chapter 35, Laws of 1945 and RCW 50.04.020; amending section 4, chapter 35, Laws of 1945 as amended by section 1, chapter 214, Laws of 1949 and RCW 50.04.030; amending section 33, chapter 35, Laws of 1945 as last amended by section 2, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.320; amending section 68, chapter 35, Laws of 1945 as last amended by section 3, chapter 266, Laws of 1959 and RCW 50.20.010; amending section 73, chapter 35, Laws of 1945 as last amended by section 8, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.050; amending section 74, chapter 35, Laws of 1945 as last amended by section 9, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.060; amending section 3, chapter 286, Laws of 1955 and RCW 50.20.030; amending section 80, chapter 35, Laws of 1945 as last amended by section 2, chapter 321, Laws of 1959 and RCW 50.20.120; amending section 83, chapter 35, Laws of 1945 as amended by section 5, chapter 215, Laws of 1951 and RCW 50.20.150; amending section 89, chapter 35, Laws of 1945 as amended by section 18, chapter 214, Laws of 1949 and RCW 50.24.010; adding new sections to chapter 35, Laws of 1945, and to Title 50 RCW, as a new chapter therein; repealing sections 10, 11, 12, 15, and 16, chapter 286, Laws of 1955 and RCW 50.28.010 through 50.28.030, 50.28.050, and 50.28.060; repealing section 3, chapter 235, Laws of 1949 as last amended by section 13, chapter 286, Laws of 1955 and RCW 50.28.040; and declaring

an emergency.

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

Section 1. Section 3, chapter 35, Laws of 1945 and RCW 50.04-.020 are each amended to read as follows:

"Base year" (~~means the last calendar year preceding the first day of the benefit year~~) with respect to each individual, shall mean the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year.

Sec. 2. Section 4, chapter 35, Laws of 1945 as amended by section 1, chapter 214, Laws of 1949 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" (~~means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June~~) with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual next files an application for an initial determination after the termination of his last preceding benefit year: PROVIDED, HOWEVER, That an individual's benefit year is not established unless the determination shows the applicant to have met the wage and employment conditions fixed by law as the minimum for the receipt of benefits: PROVIDED, FURTHER, That an individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

Sec. 3. Section 33, chapter 35, Laws of 1945 as last amended by section 2, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the

~~((first-three-thousand-dollars-of))~~ 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 section 8 of this 1970 amendatory act.

~~((After-December-31,-1959))~~ 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 trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor employer, then, for the purposes of determining ~~((whether-the-successor-employer-has-paid-remuneration-equal-to-three-thousand-dollars))~~ the amount of remuneration paid by the successor employer to such individual during such calendar year which is subject to contributions, any remuneration paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

For the purpose of payment of benefits, "wages" means the remuneration payable by one or more employers to an individual for employment under this title during ~~((one-calendar))~~ his base year.

"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.

Sec. 4. Section 68, chapter 35, Laws of 1945 as last amended by section 3, chapter 266, Laws of 1959 and RCW 50.20.010 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week only if the com-

missioner finds that

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

(2) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents;

(4) he has been unemployed for a waiting period of one week;
(and)

(5) he has within ~~((the))~~ his base year ~~((been-paid-wages-of not-less-than-the-minimum-amount-now-or-hereafter-fixed-by-law-as-the minimum-amount-to-be-earned-in-order-to-allow-the-individual-to-receive-unemployment-benefits))~~

(a) had both employment in not less than sixteen weeks, in each of which he earned not less than fifteen percent of the "average weekly wage" rounded to the next lower multiple of one dollar, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars; or, in the alternative,

(b) had not less than six hundred hours of employment, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars: PROVIDED, HOWEVER, That if the base year wages of the individual's current benefit year, for any benefit year beginning after July 3, 1971, include wages earned prior to the establishment of a prior benefit year, the individual shall not be eligible for benefits, unless, in addition to the other requirements of this section, he has earned wages in the last six months of his base year equal to at least six times the weekly benefit amount to which he would otherwise have been entitled: PROVIDED FURTHER, That for benefit years beginning prior to July 4, 1971, any unemployed individual who earned wages of not less than fifteen percent of the "average annual wage" for calendar year 1969 in his base year shall be deemed to have met the eligibility requirements of this subsection.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

Sec. 5. Section 80, chapter 35, Laws of 1945 as last amended by section 2, chapter 321, Laws of 1959 and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title benefits shall be payable to any eligible individual during ((the)) his benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title.

(2) An individual's weekly benefit amount shall be ((in-a minimum)) an amount ((of-seventeen-dollars-for-the-first-one-hundred

~~twenty-five-dollars-or-portion-thereof-in-excess-of-seven-hundred
ninety-nine-dollars-and-ninety-nine-cents-of-base-year-wages,-in-
creasing-one-dollar-for-each-one-hundred-twenty-five-dollars-or-per-
tion-thereof-of-said-individual's-base-year-wages-earned-thereafter,
with-a-maximum-amount-payable-weekly-of-not-more-than-forty-two-del-
lars))~~ equal to one twenty-fifth of his total wages during that quar-
ter of his base year in which such total wages were highest, except
that if such computed amount is less than seventeen dollars, the
weekly benefit amount shall be deemed to be seventeen dollars. The
maximum amount payable weekly shall be determined as of each June
30th to apply to benefit years beginning in the twelve-month period
immediately following such June 30th. The maximum amount payable
weekly shall be fifty percent of the "average weekly wage" for the
calendar year preceding such June 30th: PROVIDED, That if any ((max-
imum)) weekly benefit or maximum benefit amount computed herein is
not a multiple of one dollar, it shall be adjusted to the nearest
multiple of one dollar, except that if the computed amount ends in
fifty cents, it shall be ((~~adjusted~~)) adjusted to the next higher
multiple of one dollar.

NEW SECTION. Sec. 6. There is added to chapter 35, Laws of
1945 and to Title 50 RCW a new section to read as follows:

On or before the fifteenth day of June of each year an "aver-
age annual wage" and an "average weekly wage" shall be computed for
the preceding calendar year from information for the preceding calen-
dar year reported by all employers as defined in RCW 50.04.080 on
employers' contribution reports (including corrections thereof)
filed within three months after the close of that year. The "average
annual wage" is the quotient derived by dividing total remuneration
reported by all employers by the average number of workers reported
for all months and rounding to the next lower multiple of one dollar.
The average annual wage thus obtained shall be divided by fifty-two
and rounded to the next lower multiple of one dollar to determine the
"average weekly wage".

Sec. 7. Section 83, chapter 35, Laws of 1945, as amended by section 5, chapter 215, Laws of 1951 and RCW 50.20.150 are each amended to read as follows:

The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during ((the)) his benefit year, the applicant becomes unemployed after having accepted subsequent work, and ~~((files-a-claim-for-waiting-period-credit-or))~~ reports for the purpose of reestablishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes.

Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account.

Sec. 8. Section 89, chapter 35, Laws of 1945 as amended by section 18, chapter 214, Laws of 1949 and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this title at the rate of two and seven-tenths percent of wages paid ((-)) each employee, except for such rates as determined for qualified employers according to sections 10 through 18 of this 1970 amendatory act: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be

payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed seventy-five percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 9. Sections 10 through 18 of this 1970 amendatory act shall be added to chapter 35, Laws of 1945 and to Title 50 RCW, and shall constitute a new chapter in said Title 50 RCW.

NEW SECTION. Sec. 10. As used in this chapter:

"Computation date" means July 1st of any year;

"Cut-off date" means August 31st next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the

following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means: (1) Any employer as of the computation date who had some employment in the twelve-month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the thirty-six month period immediately preceding the computation date have been paid prior to the cut-off date; or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the twenty-four month period immediately preceding the computation date have been paid prior to the cut-off date: PROVIDED, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division, or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes,

the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not exceeding forty one-hundredths of one percent of the total remuneration paid during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view

of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

<u>Column A</u>	<u>Column B</u>
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

NEW SECTION. Sec. 11. An experience rating account shall be established and maintained for each employer based on existing records of the employment security department and shall be effective beginning with July 1, 1967. Benefits paid to any eligible individuals for benefit years beginning subsequent to June 30, 1967, shall be charged to the experience rating accounts of each of his employers during his base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year; except that benefits paid to an individual under the provisions of RCW 50-.12.050 shall not be charged to the account of any employer if the wage credits earned in this state by the individual during his base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

NEW SECTION. Sec. 12. For the purpose of prorating benefit

charges "wages" shall mean "wages" as defined for purpose of payment of benefits in section 3 of this 1970 amendatory act.

NEW SECTION. Sec. 13. For the rate year 1971 and each rate year thereafter an annual decrease quotient factor and a benefit charge-back factor shall be computed for each qualified employer, each to be determined as provided in subsections (1) and (2) hereof respectively:

(1) To determine a qualified employer's average annual decrease quotient his payroll for the three experience rating years immediately preceding the computation date shall be listed in chronological order. The first annual decrease quotient shall be obtained by dividing any decrease in his payroll between the first and second of his experience rating years by the payroll for the first of such years, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The second annual decrease quotient shall be obtained by dividing any decrease in his payroll between the second and third of the listed experience rating years by the payroll for the second listed year, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The employer's average annual decrease quotient shall be obtained by adding his first and second decrease quotients, if any, and dividing by two. The employer's average annual decrease quotient shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule.

The annual decrease quotient of a qualified employer who has payrolls for fewer than three experience rating years shall be obtained by dividing any decrease of the employer's payroll in the experience rating year immediately preceding the computation date from the payroll in the preceding experience rating year by the amount of the payroll in such preceding experience rating year, such division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. This annual decrease quotient shall be

deemed to be his average annual decrease quotient and shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule:

<u>Annual Decrease Quotient</u>	<u>Point Value</u>
0.0000-0.0124	10
0.0125-0.0249	9
0.0250-0.0374	8
0.0375-0.0499	7
0.0500-0.0749	6
0.0750-0.0999	5
0.1000-0.1499	4
0.1500-0.1999	3
0.2000-0.2499	2
0.2500 or more	1

(2) The charge-back ratio for a qualified employer shall be the quotient obtained by dividing the total benefits charged to his account during the thirty-six consecutive month period immediately preceding the computation date by his payroll for the same thirty-six month period as reported not later than August 31 immediately following the computation date, except that the charge-back ratio of any qualified employer whose account has been chargeable for a period of fewer than thirty-six months immediately prior to the computation date shall be the quotient obtained by dividing total benefits charged to his account, prior to the computation date, by his payroll set forth as follows: The payroll shall be that reported by August 31 immediately following the computation date, for the period beginning with the first day of the second calendar quarter following the calendar quarter in which he became liable, and through the end of the calendar quarter immediately preceding the computation date. The charge-back ratios shall be extended to four decimal places, with the remaining fraction, if any, disregarded. The charge-back ratios so obtained shall determine the point value to be assigned each employer as his charge-back factor in accordance with the following

schedule:

<u>Charge-Back Ratios</u>	<u>Point Value</u>
Less than 0.0010	10
0.0010-0.0039	9
0.0040-0.0079	8
0.0080-0.0119	7
0.0120-0.0159	6
0.0160-0.0199	5
0.0200-0.0219	4
0.0220-0.0239	3
0.0240-0.0269	2
0.0270 and over	1

NEW SECTION. Sec. 14. The annual decrease-quotient point value for each qualified employer shall be added to his charge-back point value and this sum shall designate his rate class. For the rate year 1971 and each rate year thereafter the contribution rate for each qualified employer shall be the "class rate" determined for that class into which the employer is placed by application of this section.

(1) A "class weight" shall be assigned to each rate class as follows:

<u>Rate Class</u>	<u>Class Weight</u>
20	9.0
19	8.5
18	8.0
17	7.5
16	7.0
15	6.5
14	6.0
13	5.5
12	5.0
11	4.5
10	4.0

9	3.5
8	3.0
7	2.5
6	2.0
5	1.5
4	1.0
3	0.5
2	0.0

(2) A "class product" for each rate class shall be obtained by dividing the total of the taxable payrolls for the experience rating year immediately preceding the computation date for all qualified employers in the rate class by the total of the taxable payrolls of all qualified employers for such experience rating year, such division being carried to the sixth decimal place with the remaining fraction, if any, disregarded, and multiplying the quotient by the class weight for that rate class.

(3) The surplus to be credited to each rate class shall be the product obtained by multiplying the surplus to be credited to all employers by the quotient of the class product for the class divided by the sum of the class products for all classes, such division being carried to the sixth decimal place with the remaining fraction, if any, disregarded. No portion of the surplus shall be credited to rate class 2.

(4) A "class credit factor" shall be obtained for each rate class by dividing the portion of the surplus assigned to the class by the sum of the payrolls of all employers in that class for the experience rating year immediately preceding the computation date, such division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded.

(5) The "class rate", expressed as a percent, for each rate class shall be derived by subtracting the class credit factor for that rate class from .0270 and multiplying this result by one hundred.

NEW SECTION. Sec. 15. Effective January 1, 1971, predecessor

and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(2) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(3) If the successor is not an employer at the time of the transfer, he shall pay contributions for the remainder of the rate year in which the transfer occurs at the rate assigned to the predecessor employer.

(4) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers, his rate from the date the transfer occurred shall be the same as the highest rate assigned to one of the predecessors.

(5) In all cases, from and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on his experience with payrolls and benefits combined with the experience of his predecessor or predecessors, as of the regular computation date for that rate year.

(6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his experience with payrolls and benefits, as of the regular computation date for that rate year, excluding therefrom such experience as was credited to the successor or successors under other provisions of this title: PROVIDED, That if all of the predecessor's experience with payrolls and benefits is transferred to a successor or successors the predecessor shall not be a qualified employer within the meaning of section 10 of this act until his account following the date of the transfer has been chargeable with benefits throughout not less than thirty-six consecutive months immediately

preceding the computation date.

NEW SECTION. Sec. 16. Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.

Within a reasonable time after the computation date each employer shall be notified of his rate of contribution as determined for the succeeding rate year.

Any employer dissatisfied with the benefit charges made to his account or with his determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

NEW SECTION. Sec. 17. The commissioner may redetermine any contribution rate if, within three years of the rate computation date, he finds that the rate as originally computed was erroneous.

In the event that the redetermined rate is lower than that originally computed the difference between the amount paid and the amount which should have been paid on the employer's taxable payroll for the rate year involved shall be established as a credit against his tax liability; however, if the redetermined rate is higher than that originally computed the difference between the amount paid and the amount which should have been paid on the employer's taxable payroll shall be assessed against the employer as contributions owing for the rate year involved.

The redetermination of an employer's contribution rate shall not affect the contribution rates which have been established for any other employer nor shall such redetermination affect any other computation made pursuant to this title.

The employer shall have the same rights to request review and redetermination as he had from his original rate determination.

NEW SECTION. Sec. 18. One-half the amount of experience rating credit to which an employer is determined to be entitled for the credit year beginning July 1, 1970, may be applied against contributions payable by him on wages paid in that credit year prior to January 1, 1971. The remaining half of the experience rating credit to which he is determined to be entitled for the credit year beginning July 1, 1970, and any credits not usable because they are in excess of the contributions due on wages paid during the period beginning July 1, 1970, and ending December 31, 1970, shall be canceled.

NEW SECTION. Sec. 19. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

(1) Any payments which an individual has claimed, is receiving or has received under a government and/or a private retirement pension plan, to which a base year employer has contributed on behalf of such individual, shall be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will Old Age and Survivors Insurance Benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount.

(2) Payments claimed or received under a government and/or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year earnings of the individual.

(3) In the event a retroactive retirement or pension payment covers a period in which an individual received benefits under the

provisions of this title, the excess paid over the amount to which he would have been entitled had such retirement or pension payment been considered, as provided in subsection (1) above, shall be recoverable under RCW 50.20.190: PROVIDED, HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED, FURTHER, That no payments received on account of temporary or permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services.

Sec. 20. Section 3, chapter 286, Laws of 1955 and RCW 50.20-.030 are each amended to read as follows:

A (~~pregnant~~) woman (~~shall be presumed to be unable to work and unavailable for work if she left her most recent work voluntarily~~) who voluntarily quits work because of pregnancy shall be disqualified from benefits for the week in which she quits and thereafter through the terminal week of her pregnancy: PROVIDED, HOWEVER, That in any event a pregnant woman shall be (~~ineligible to receive~~) disqualified from receiving benefits for any calendar week during the period beginning with the (~~tenth~~) seventeenth calendar week (~~before~~) immediately preceding the expected date of confinement, as determined by a doctor, and extending through the (~~fourth~~) sixth calendar week immediately following the week in which childbirth occurs.

Sec. 21. Section 73, chapter 35, Laws of 1945 as last amended by section 8, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.050 are each amended to read as follows:

An individual shall be disqualified (~~for~~) from benefits beginning with the first day of (~~for~~) the calendar week in which he has left work voluntarily without good cause and (~~for the five calendar weeks which immediately follow such week~~) thereafter until he has obtained work and earned wages of not less than his suspended weekly benefit amount in each of five calendar weeks: PROVIDED, That disqualification under this section shall not extend beyond the tenth

calendar week following the week in which such individual left work.

Sec. 22. Section 74, chapter 35, Laws of 1945, as last amended by section 9, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.060 are each amended to read as follows:

An individual shall be disqualified (~~(for)~~) from benefits (~~(for)~~) beginning with the first day of the calendar week in which he has been discharged or suspended for misconduct connected with his work and (~~(for-the-five-calendar-weeks-which-immediately-follow-such-week)~~) thereafter until he has obtained work and earned wages of not less than his suspended weekly benefit amount in each of five calendar weeks: PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual was discharged or suspended.

NEW SECTION. Sec. 23. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

An individual who has received the maximum amount allowable in his benefit year may, if otherwise eligible, draw "extended benefits" in those weeks in his benefit year which begin in an "extended benefit period" and, if his benefit year ends within such extended benefit period, in the next thirteen or fewer weeks which begin in such "extended benefit period": PROVIDED, That the individual shall not draw such "extended benefits" in any week during which he could establish entitlement to regular unemployment benefits under any state or federal law.

If a federal enactment provides for reimbursing the state for certain benefits paid for weeks of extended unemployment, the extended benefits shall be paid in the regular manner, and the reimbursements shall be credited to the unemployment compensation fund.

(1) "Extended benefits" are additional benefits payable at the weekly rate applicable for the individual during the benefit year for which he has received the maximum sum allowable. Extended benefits for an individual cannot exceed whichever is the lesser of thirteen times his weekly benefit amount or one-half his previous

entitlement, and the combined total of his regular unemployment compensation plus his extended benefits cannot exceed thirty-nine times his weekly amount.

(2) An "extended benefit period" means a period commencing with the third calendar week immediately following any thirteen-week period (known for purposes of this section as the thirteen-week computation period) during which the average rate of insured unemployment is equal to or greater than one hundred twenty percent of the average of the rates of insured unemployment for the corresponding thirteen-week periods in each of the two preceding calendar years and ending with the third week immediately following any thirteen-week period during which such rate was less than one hundred twenty percent of the average rate of insured unemployment for the corresponding thirteen-week periods in each of the two preceding years: PROVIDED, That an extended benefit period shall not commence unless the yearly average insured unemployment rate as computed at the end of the thirteen-week computation period is equal to at least five percent. No extended benefit period shall be less than thirteen weeks in length and no extended benefit period shall commence at any time an extended benefit period is already in effect.

(3) "Insured unemployment" for any week as used for this computation means the number of weeks of unemployment claimed in Washington for that week, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal and excluding any weeks claimed by an individual following the week in which benefits based on his original entitlement were exhausted.

(4) "Insured employment" means the average monthly employment reported by employers for a twelve-month period.

(5) For purposes of this section the rate of "insured unemployment for any week" is the ratio obtained by dividing insured unemployment for that week by insured employment for the twelve-month period ending six months immediately prior to the calendar quarter

in which the week began.

(6) Rates of insured unemployment shall be computed for each calendar week. After each week the insured unemployment rates for the thirteen consecutive weeks ending with that week shall be averaged and the average shall be compared with the average of the rates of insured unemployment for the corresponding thirteen-week periods of the two preceding years. After each week the insured unemployment rates for the fifty-two consecutive weeks ending with that week shall be averaged to yield a yearly average insured unemployment rate. The commissioner shall by regulation prescribe how corresponding weeks are to be determined. Computations involving division shall be carried to four decimal places.

NEW SECTION. Sec. 24. Sections 10, 11, 12, 15 and 16, chapter 286, Laws of 1955 and RCW 50.28.010 through 50.28.030, 50.28.050 and 50.28.060, and section 3, chapter 235, Laws of 1949 as last amended by section 13, chapter 286, Laws of 1955 and RCW 50.28.040 are each hereby repealed. Such repeals shall not be construed as affecting any existing right to any redetermination, correction, or pending appeal involving any experience rating credit determination or redetermination.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 5, 1970: PROVIDED, That sections 3 and 8 of this 1970 amendatory act shall not take effect until January 1, 1971.

Passed the Senate January 31, 1970
 Passed the House January 31, 1970
 Approved by the Governor February 6, 1970
 Filed in Office of Secretary of State February 6, 1970

CHAPTER 3
 [Engrossed Senate Bill No. 68]
 ABORTION

AN ACT Relating to abortion; adding three new sections to chapter 249, Laws of 1909 and to chapter 9.02 RCW; and providing for sub-