

services to the secretary; (~~his deputy secretary; his personnel director; his administrative~~) the secretary's executive assistant, if any; not to exceed six assistant secretaries (~~and~~), thirteen division directors, six regional directors; one confidential secretary for each of the (~~ten~~) above-named officers; not to exceed six bureau chiefs; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board.

Passed the House February 21, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 6, 1980.

Filed in Office of Secretary of State March 6, 1980.

CHAPTER 74

[Substitute House Bill No. 1952]

UNEMPLOYMENT COMPENSATION—BENEFIT PAYMENT DEDUCTIONS, DISQUALIFICATION—VOLUNTARY SEPARATION—WEEKLY MINIMUM

AN ACT Relating to unemployment compensation; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323; amending section 22, chapter 3, Laws of 1971 as last amended by section 18, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.050; amending section 80, chapter 35, Laws of 1945 as last amended by section 7, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.120; amending section 8, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.095; amending section 73, chapter 35, Laws of 1945 as last amended by section 4, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.050; creating new sections; declaring an emergency; and making certain effective dates.

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

Section 1. Section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323 are each amended to read as follows:

(1) Any payments which an individual has claimed, is receiving or has received under a government or private retirement pension plan to which a base year employer has contributed on behalf of such individual shall reduce the unemployment compensation payable to him on the following basis:

((+)) (a) If such payment, prorated weekly, equals or exceeds the weekly benefit amount to which he would normally be entitled on the basis of his base year earnings then he shall be totally ineligible;

((2)) (b) If such payment, prorated weekly, is less than the weekly benefit amount to which he would normally be entitled on the basis of this title and regulations enacted pursuant thereto, his weekly benefit amount shall be reduced by the amount which his prorated weekly pension amount exceeds twelve dollars. The reduced benefit amount so computed, if not a

multiple of one dollar, shall be raised to the next higher multiple of one dollar.

(2) Any amounts deducted by reason of this section shall not be available for the payment of future benefits, that is, the individual's total benefit entitlement shall be reduced by the amount of benefits paid plus any amounts deducted pursuant to this section.

(3) Payments received under the old age and survivors insurance program contained in Title II of the federal social security act, as amended, payments received on account of disability rather than on account of age or length of service and, commencing with benefit years beginning on and after July 1, 1973, payments attributable to retirement pensions which are based in full on wages earned prior to the individual's base year shall not operate to reduce an individual's weekly benefit amount.

(4) Payments claimed or received under a government 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 wages.

(5) In the event that a retroactive pension or retirement plan covers a period in which an individual received benefits under the provisions of this title, the amount in excess of the amount to which such individual would have been entitled had such retirement or pension plan been considered as provided in this section shall be recoverable under RCW 50.20.190.

(6) A lump sum payment of funds, accumulated in an employer-participating government or private retirement pension plan paid to one eligible for retirement pension, shall be prorated over the life expectancy of the retiree as determined in such a manner as the commissioner may by regulation prescribe.

(7) Subsections (1), (2), and (3) of this section shall become inoperative and the weekly benefit amount payable to an individual shall be reduced by the entire prorated weekly amount of any governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on any previous work of such individual if such reduction is required under section 3302 of the United States Internal Revenue Code as a condition for employer credits against the tax imposed by section 3301 of the United States Internal Revenue Code.

Sec. 2. Section 22, chapter 3, Laws of 1971 as last amended by section 18, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.050 are each amended to read as follows:

(1) Except as otherwise provided in subsections (1), (2) and (3) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title. (~~PROVIDED HOWEVER, That~~). Benefits based on service in

an instructional, research or principal administrative capacity in an educational institution shall not be paid to an individual for any week of unemployment (~~((suffered after December 31, 1977;))~~) which commences during the period between two successive academic years or (~~((during the period between two terms, successive or otherwise, or during a period of paid sabbatical leave provided in the individual's contract))~~) terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) to an individual if ((the)) such individual performs ((the)) such services in the first of ((the)) such academic years or terms and if there is a contract or ((a)) reasonable assurance that ((the)) such individual will perform services in ((the)) any such capacity for any educational institution in the second of ((the)) such academic years or terms(~~(; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term))~~). Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution (other than an institution of higher education as defined in ((section 15 of this amendatory act)) RCW 50.44.037) for any week of unemployment ((suffered after December 31, 1977;)) which commences during the period between two successive academic years or during ((the)) a period between two ((terms;)) successive ((or otherwise)) academic years or terms, if ((the)) such individual performs ((these)) such services in the first of such academic years or terms and there is an individual contract or an individual written notice to the employee that the individual will perform such services ((for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term)).

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.21 RCW and exists to provide services to local school districts.

Sec. 3. Section 80, chapter 35, Laws of 1945 as last amended by section 7, chapter 33, Laws of 1977 ex. sess. 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 individual's 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 an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's 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 and minimum amounts 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-five percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if as of any June 30th the unemployment compensation trust fund balance has improved so that the employer contribution as determined pursuant to RCW 50.24.010 is less than three percent, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following shall be sixty percent of the "average weekly wage" for the calendar year preceding such June 30th (~~(- PROVIDED FURTHER; That)~~). The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding June 30th. If any weekly benefit ((or), maximum benefit, or minimum 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 to the next higher multiple of one dollar.

Sec. 4. Section 8, chapter 33, Laws of 1977 ex. sess. and RCW 50.20-.095 are each amended to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for any week during the school ((year)) term commencing with the first week of such scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for ((classes)) twelve or more hours of scholastic instruction per week: PROVIDED, That ((this nonregistration)) registration for less than twelve hours will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools, and "institutions of

higher education" as that phrase is defined in RCW ((50.44.030)) 50.44.037.

This disqualification shall not apply to any individual who:

- (1) Is in approved training within the meaning of RCW 50.20.043; or
- (2) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:
 - (a) Prior work history;
 - (b) Scholastic history;
 - (c) Past and current labor market attachment; and
 - (d) Past and present efforts to seek work.

Sec. 5. Section 73, chapter 35, Laws of 1945 as last amended by section 4, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.050 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter until he or she has obtained work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks.

(2) An individual shall not be considered to have left work voluntarily without good cause when:

- (a) He or she has left work to accept a bona fide job offer; or
- (b) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system.

(3) In determining whether an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment(;) and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which

was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work (~~(an un-~~conscionable)) an unreasonable hardship on the individual were he or she required to continue in the employment.

(4) Subsections (1) and (3) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits until he or she has requalified, either by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five calendar weeks or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department.

NEW SECTION. Sec. 6. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 and 2 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect with weeks of unemployment beginning after March 31, 1980. Section 3 of this amendatory act shall take effect with benefit years beginning after June 30, 1980.

Passed the House February 4, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 6, 1980.

Filed in Office of Secretary of State March 6, 1980.

CHAPTER 75

[Substitute House Bill No. 19]

PRISONERS, PAROLEES—CERTIFICATE OF DISCHARGE—ISSUANCE, EFFECT

AN ACT Relating to the restoration of civil rights; and amending section 1, chapter 187, Laws of 1961 and RCW 9.96.050.

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

Section 1. Section 1, chapter 187, Laws of 1961 and RCW 9.96.050 are each amended to read as follows: