

compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 13, 1985.

Filed in Office of Secretary of State May 13, 1985.

CHAPTER 285

[Engrossed Senate Bill No. 3627]

MARGINAL LABOR ATTACHMENT—BENEFIT QUALIFICATIONS

AN ACT Relating to benefit qualifications for individuals with marginal labor force attachment; amending RCW 50.20.015; adding new sections to chapter 50.20 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) Prior to December 31, 1986, the commissioner may suspend the provisions of RCW 50.20.015(2) if the commissioner determines with respect to an individual claimant that a reasonable application of that subsection is precluded (a) by a condition of economic distress as defined in section 2 of this act; or (b) in an occupation in which governmental action prohibits the normal activities in such occupation. The commissioner shall adopt rules to implement the work search policy of the department for all claimants identified by this section. Factors to be considered in developing the policy shall include occupation of the claimant, employment conditions within the claimant's industry, labor market demand, length and frequency of unemployment of the claimant, and the potential for return to work at his or her previous employment. Claimant work search activities shall be conducted in accordance with the rules adopted under this section.

(2) The commissioner shall submit a report to the committees on commerce and labor of the senate and the house of representatives describing those conditions of economic distress identified under subsection (1) (a) or (b) of this section which preclude application of RCW 50.20.015(2). The report shall be filed within one week of the date that the suspension is made.

NEW SECTION. Sec. 2. For the purposes of section 1 of this act, a condition of economic distress exists when:

(1) A county has an unemployment rate that is twenty percent or more above the state-wide average for the previous three years;

(2) A labor market area has experienced a sudden and severe loss of employment as defined by the commissioner;

(3) A labor market area contains a distressed industry; or

(4) The commissioner determines that the circumstances of the individual claimant meet the intent of this section.

Sec. 3. Section 9, chapter 205, Laws of 1984 and RCW 50.20.015 are each amended to read as follows:

(1) If the product of an otherwise eligible individual's weekly benefit amount multiplied by thirteen is greater than the total amount of wages earned in ~~((the state of Washington))~~ covered employment in the higher of two corresponding calendar quarters included within the individual's determination period, that individual shall be considered to have marginal labor force attachment. However, the individual shall not be considered to have marginal labor force attachment if he or she had no wages or reduced wages in either of such two corresponding calendar quarters because of illness or disability sufficient to have resulted in a finding of marginal attachment, or because such individual's first wages in covered employment were earned after the fifth completed calendar quarter of the individual's determination period. For the purposes of this subsection and RCW 50.29.020, "determination period" means the first eight of the last nine completed calendar quarters immediately preceding the individual's current benefit year.

(2) With respect to new claims for benefits filed on or after July 1, 1985, in addition to any other requirements established under this chapter which are not inconsistent with (a) through (f) of this subsection, if a determination is made under subsection (1) of this section that an individual has marginal labor force attachment, the following provisions shall apply to benefits payable to such individuals under this chapter:

(a) Payment of benefits under this chapter shall not be made to any individual for any week of unemployment:

(i) During which he or she fails to accept any offer of suitable work, as defined in subsection (2)(c) of this section, or fails to apply for any suitable work to which he or she was referred by the department; or

(ii) During which he or she fails to actively engage in seeking work.

(b) If any individual is ineligible for benefits for any week by reason of a failure described in subsection (2)(a)(i) ~~((or (2)(a)(ii)))~~ of this section, the individual shall be ineligible to receive benefits for any week which begins during a period which:

(i) Begins with the week following the week in which such failure occurs; and

(ii) Does not end until such individual has obtained bona fide work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks.

(c) For purposes of this section, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities and which does not involve conditions described in RCW 50.20.110.

(d) Benefits shall not be denied under subsection (2)(a)(i) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if:

(i) The gross average weekly remuneration payable to such individual for the position does not exceed the sum of:

(A) The individual's weekly benefit amount, as determined under RCW 50.20.120, for his or her benefit year; plus

(B) The amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954, 26 U.S.C. Sec. 501(c)(17)(D)), payable to such individual for such week;

(ii) The position was not offered to such individual in writing and was not listed with the department;

(iii) Such failure would not result in a denial of benefits under the provisions of RCW 50.20.080 and 50.20.100 to the extent such provisions are not inconsistent with the provisions of subsections (2)(c) and (2)(e) of this section; or

(iv) The position pays wages less than the higher of:

(A) The minimum wage provided by section (6)(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(B) Any applicable state or local minimum wage.

(e) For purposes of this section, an individual shall be treated as actively engaged in seeking work during any week if:

(i) The individual has engaged in a systematic and sustained effort to obtain work during such week, which has included at least five employer contacts: PROVIDED, That if the department determines that economic conditions within a designated labor market area make it unlikely that individuals will be able to fulfill the requirement of five employer contacts per week, then the department shall designate an appropriate number of required contacts for individuals within such labor market area; PROVIDED FURTHER, That if the department makes such a determination, then it shall report the determination, the newly-established number of employer contacts required within the designated labor market area, and supporting documentation for these actions, to the governor and the respective chairpersons of the house committee on labor and the senate committee on commerce and labor;

(ii) The individual provides tangible evidence to the department that he or she has engaged in such an effort during such week. Such evidence shall include information supplied by the individual on forms developed by the department which also provide for employer signature to verify work search contacts and comments regarding the individual's preparedness for immediate work.

(f) The department shall refer applicants to any suitable work to which subsections (2)(d)(i) through (2)(d)(iv) of this section would not apply. To

the extent possible, the department shall provide each applicant with five referrals each week. A referral shall serve as one of the employer contacts required in subsection (2)(c)(i) of this section.

(3) This section shall not apply to an individual who earned wages in covered employment in at least eighty hours in each calendar quarter of the individual's base period, nor shall it apply to an individual who during the first half of the determination period performed work and earned wages for services not considered to be covered employment in Washington.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 50.20 RCW.

NEW SECTION. Sec. 5. If any provision of this 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. 6. 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 July 1, 1985.

Passed the Senate April 15, 1985.

Passed the House April 11, 1985.

Approved by the Governor May 13, 1985.

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CHAPTER 286

[Substitute Senate Bill No. 3207]

PRISON WORK PROGRAMS—FISH AND GAME REARING PROJECTS

AN ACT Relating to prison work programs; and adding a new chapter to Title 72 RCW.

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

NEW SECTION. Sec. 1. The legislature finds and declares that the establishment of prison work programs that allow prisoners to undertake food fish, shellfish, and game fish rearing projects and game bird and game animal improvement, restoration, and protection projects is needed to reduce idleness, promote the growth of prison industries, and provide prisoners with skills necessary for their successful reentry into society.

NEW SECTION. Sec. 2. The departments of corrections, fisheries, and game shall establish at or near appropriate state institutions, as defined in RCW 72.65.010, prison work programs that use prisoners to undertake state food fish, shellfish, and game fish rearing projects and state game bird and game animal improvement, restoration, and protection projects and that meet the requirements of RCW 72.09.100.