

CHAPTER 1

[House Bill No. 315]

CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS—
APPROPRIATION

AN ACT Relating to the citizens' commission on salaries for elected officials; making an appropriation; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is appropriated from the general fund to the citizens' commission on salaries for elected officials for the biennium ending June 30, 1987, the sum of one hundred twenty-seven thousand dollars, or so much thereof as may be necessary, to carry out the purposes of the commission.

NEW SECTION. Sec. 2. 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 immediately.

Passed the House February 11, 1987.

Passed the Senate February 18, 1987.

Approved by the Governor February 20, 1987.

Filed in Office of Secretary of State February 20, 1987.

CHAPTER 2

[Engrossed Substitute House Bill No. 445]

UNEMPLOYMENT COMPENSATION—LOCKOUTS

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; reenacting and amending RCW 50.29.020; creating a new section; and declaring an emergency.

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

Sec. 1. Section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090 are each amended to read as follows:

An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that ~~((his))~~ the individual's unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which ~~((he))~~ the individual is or was last employed: PROVIDED, That this section shall not apply if it is shown to the satisfaction of the commissioner that:

(1) (a) The individual is unemployed due to a lockout by his or her employer, except for lockouts by employers who are members of a multi-

employer bargaining unit after one member of the multi-employer bargaining unit has been struck by its employees as a result of the multi-employer bargaining process. The recognized or certified collective bargaining agent must have notified the employer that the employees are willing to return to work, pending the ratification of a new collective bargaining agreement, under the terms and conditions contained in the employer's last contract offer made prior to the start of the lockout unless the employer's last offer amounts to a substantial deterioration of the terms and conditions of employment which existed prior to the termination of the last collective bargaining agreement between the employer and the individual's recognized or certified collective bargaining agent; and

(b) The individual has been locked out for four or more weeks.

Benefits shall be payable to an otherwise eligible individual beginning with the fourth week in which the individual is unemployed due to a lockout. This subsection (1) shall have no effect on and after December 27, 1987; or

~~((1) - he))~~ (2) (a) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

~~((2) - he))~~ (b) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: PROVIDED, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subdivision, be deemed to be a separate factory, establishment, or other premises.

Sec. 2. Section 11, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 42, Laws of 1985 and by section 2, chapter 270, Laws of 1985 and by section 1, chapter 299, Laws of 1985 and RCW 50.29.020 are each reenacted and amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of ~~((his))~~ such individual's employers during ~~((his))~~ the individual's 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 as otherwise provided in this section and in RCW 50.29.022.

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

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12-.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

(d) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

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

(f)(i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20-.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before the effective date of this 1987 section shall not be charged to the experience rating account of any base year employer.

(g) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(h) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if:

(i) The benefit charges result from payment to an individual who last left the employ of such employer voluntarily for reasons not attributable to

the employer, or was discharged for misconduct connected with his or her work; and

(ii) The employer requests relief of charges in writing within thirty days following mailing to the last known address of the notification of the initial determination of such a claim, stating the date and reason for the last leaving; and

(iii) Upon investigation of the separation, the commissioner rules that the relief should be granted.

(i) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 shall not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.

NEW SECTION. Sec. 3. The employment security department shall report to the commerce and labor committees of the senate and the house of representatives by January 1, 1989, on the number of claimants receiving benefits and the total amount of benefits paid to date under this act.

NEW SECTION. Sec. 4. (1) This act shall apply retrospectively to all applicable employers and employees as of November 16, 1986.

(2) 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 immediately.

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.

Passed the House February 20, 1987.

Passed the Senate February 12, 1987.

Approved by the Governor February 20, 1987.

Filed in Office of Secretary of State February 20, 1987.

CHAPTER 3

[Senate Bill No. 5015]

MUNICIPAL COURTS—TERMINOLOGY REVISIONS

AN ACT Relating to modifications in terminology regarding municipal courts; and amending RCW 3.46.020, 3.70.010, 7.16.160, 9.92.070, 35.18.060, 35.23.020, 35.23.040, 35.23.190, 35.24.020, 35.24.080, 35.24.160, 35.27.070, 35.27.240, 35A.12.020, 35A.12.090, 35A.13.010, 35A.13.080, 46.52.100, 78.12.020, and 78.12.060.

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

Sec. 1. Section 36, chapter 299, Laws of 1961 as amended by section 73, chapter 258, Laws of 1984 and RCW 3.46.020 are each amended to read as follows: