

government and its existing public institutions, and shall take effect immediately.

Passed the House February 27, 1984.

Passed the Senate February 23, 1984.

Approved by the Governor March 7, 1984.

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

CHAPTER 140

[Substitute House Bill No. 1439]

UNEMPLOYMENT COMPENSATION FOR EDUCATIONAL EMPLOYEES WHO LACK REASONABLE ASSURANCE OF EMPLOYMENT

AN ACT Relating to unemployment compensation for educational employees who lack reasonable assurance of employment; amending section 22, chapter 3, Laws of 1971 as last amended by section 23, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.44.050; adding a new section to chapter 50.44 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 50.44 RCW a new section to read as follows:

(1) The term "reasonable assurance," as used in RCW 50.44.050(1), means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person whose services in the first year or term were performed under a contract shall not be deemed to be performing services "in the same capacity" in the ensuing academic year or term unless those services are also to be performed under a contract.

(2) "Reasonable assurance," as used in RCW 50.44.050(2), means an individual contract or an individual written notice to the employee. The individual written notice to the employee from the employer must contain a statement that: (a) The notice will result in a denial of benefits; (b) there is a possibility of retroactive benefits if the individual is not offered an opportunity to perform services in the second academic year or term; and (c) to be eligible for retroactive benefits the individual must file a timely claim for benefits in each week for which retroactive benefits would be sought.

(3) Subsections (2), (3), and (4) of RCW 50.44.050, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a non-instructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work.

Sec. 2. Section 22, chapter 3, Laws of 1971 as last amended by section 23, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.44.050 are each amended to read as follows:

Except as otherwise provided in subsections (1) through ~~((5))~~ (4) 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.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. 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) ~~((With respect to weeks of unemployment beginning on or after August 23, 1983;))~~ Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms, if such individual performs 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))~~ a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That ~~((with respect to weeks of unemployment beginning on or after August 23, 1983;))~~ if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

~~((The individual written notice to the employee from the employer must contain a statement that: (a) The notice will result in a denial of benefits, (b) there is a possibility of retroactive benefits if the individual is not offered an opportunity to perform services in the second academic year or term, and (c) to be eligible for retroactive benefits the individual must file a timely claim for benefits in each week for which retroactive benefits would be sought.))~~

(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.

~~((5) Subsections (2), (3), and (4) of this section, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work:))~~

NEW SECTION. Sec. 3. 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. This act shall apply to weeks of unemployment beginning on or after April 1, 1984.

Passed the House February 27, 1984.

Passed the Senate February 21, 1984.

Approved by the Governor March 7, 1984.

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

CHAPTER 141

[House Bill No. 1248]

STATE PATROL OFFICERS—DISCIPLINARY PROCEDURES MODIFIED

AN ACT Relating to discipline of state patrol officers; amending section 43.43.060, chapter 8, Laws of 1965 and RCW 43.43.060; amending section 43.43.070, chapter 8, Laws of 1965 and RCW 43.43.070; amending section 43.43.090, chapter 8, Laws of 1965 and RCW 43.43.090; amending section 43.43.100, chapter 8, Laws of 1965 and RCW 43.43.100; amending 43.43.360, chapter 8, Laws of 1965 and RCW 43.43.360; amending section 6, chapter 67, Laws of 1981 as amended by section 2, chapter 189, Laws of 1982 and RCW 34.12.060; amending section 15, chapter 234, Laws of 1959 as last amended by section 6, chapter 221, Laws of 1982 and RCW 34.04.150; adding a new section to chapter 34.12 RCW; and declaring an emergency.

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

Sec. 1. Section 43.43.060, chapter 8, Laws of 1965 and RCW 43.43-.060 are each amended to read as follows:

The chief of the Washington state patrol may (~~discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may~~) suspend or demote any officer