

ESSB 5041 - H AMD 1133

By Representative Connors

1 On page 4, line 31, after "employed" insert ", except where an
2 overpayment assessment is issued as provided under subsection (2)(j)
3 of this section"

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5 On page 6, after line 11, insert the following:
6 "(j) Benefits for which the department is required to issue an
7 overpayment assessment under section 4 of this act may not be charged
8 to the experience rating account of any contribution paying employer."

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10 On page 8, line 27, after "receives" insert "back pay or other"

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12 On page 8, line 31, after "(2)" insert "For purposes of this
13 section, "back pay or other retroactive wages" includes wages intended
14 to compensate the individual for any week for which the individual
15 received benefits during the strike. It also includes a flat rate
16 bonus provided by the separating employer as a condition of ratifying
17 the applicable labor agreement or otherwise ending the strike,
18 provided that the contract designates the flat rate bonus as partially
19 or wholly compensating the individual for lost wages incurred for a
20 specified time period during the strike. In the case of a flat rate
21 bonus, the department shall issue an overpayment assessment to recover
22 the benefits as provided under RCW 50.20.190, which must be an amount
23 equal to the flat rate bonus, or all the benefits provided during the
24 period of the strike, whichever is less.

25 (3)"

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EFFECT: For purposes of overpayment assessments for retroactive wages, applies the provision to "back pay and other retroactive wages" to conform to language in current law. Specifies that "back pay and other retroactive wages" includes: wages intended to compensate the individual for any week for which the individual received benefits during the strike; and a flat rate bonus provided as a condition of ratifying the applicable labor agreement or otherwise ending the strike, provided that the contract designates the flat rate bonus as partially or wholly compensating the individual for lost wages incurred for a specified time period during the strike. In the case of a flat rate bonus, requires the overpayment assessment to be an amount equal to the bonus, or all the benefits provided during the period of the strike, whichever is less. Specifies that benefits subject to an overpayment assessment may not be charged to the experience rating account of any contribution paying employer.

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