
HOUSE BILL 2436

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Prentice, Franklin, Heavey and G. Cole

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to disqualification for unemployment compensation;
2 and amending RCW 50.20.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended
5 to read as follows:

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

11 The disqualification shall continue if the work obtained is a mere
12 sham to qualify for benefits and is not bona fide work. In determining
13 whether work is of a bona fide nature, the commissioner shall consider
14 factors including but not limited to the following:

1 (a) The duration of the work;

2 (b) The extent of direction and control by the employer over the
3 work; and

4 (c) The level of skill required for the work in light of the
5 individual's training and experience.

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

8 (a) He or she has left work to accept a bona fide offer of bona
9 fide work as described in subsection (1) of this section or to enter
10 bona fide self-employment; or

11 (b) The separation was because of the illness or disability of the
12 claimant or the death, illness, or disability of a member of the
13 claimant's immediate family if the claimant took all reasonable
14 precautions, in accordance with any regulations that the commissioner
15 may prescribe, to protect his or her employment status by having
16 promptly notified the employer of the reason for the absence and by
17 having promptly requested reemployment when again able to assume
18 employment: PROVIDED, That these precautions need not have been taken
19 when they would have been a futile act, including those instances when
20 the futility of the act was a result of a recognized labor/management
21 dispatch system.

22 (3) In determining under this section whether an individual has
23 left work voluntarily without good cause, the commissioner shall only
24 consider work-connected factors such as the degree of risk involved to
25 the individual's health, safety, and morals, the individual's physical
26 fitness for the work, the individual's ability to perform the work, and
27 such other work connected factors as the commissioner may deem
28 pertinent, including state and national emergencies. Good cause shall
29 not be established for voluntarily leaving work because of its distance
30 from an individual's residence where the distance was known to the

1 individual at the time he or she accepted the employment and where, in
2 the judgment of the department, the distance is customarily traveled by
3 workers in the individual's job classification and labor market, nor
4 because of any other significant work factor which was generally known
5 and present at the time he or she accepted employment, unless the
6 related circumstances have so changed as to amount to a substantial
7 involuntary deterioration of the work factor or unless the commissioner
8 determines that other related circumstances would work an unreasonable
9 hardship on the individual were he or she required to continue in the
10 employment.

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

23 (5) For the purposes of this section, "bona fide self-employment"
24 means an independently established private business enterprise in which
25 the claimant is a partner or sole proprietor, or a corporate officer
26 and principal shareholder of the corporation, and for which: (a) All
27 required business licenses or accounts have been established with the
28 appropriate state agencies for the business being conducted; (b) a
29 separate set of books or records reflecting all items of income and
30 expenses of the business is being maintained; and (c) a principal place

1 of business eligible for a business deduction for federal income tax
2 purposes is being maintained.