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HOUSE BILL 2439

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives G. Cole, Heavey, Franklin, R. King, Jones, Prentice  
and J. Kohl

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

1            AN ACT Relating to disqualification for unemployment insurance;  
2 amending RCW 50.20.050; and creating a new section.

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 five times  
10 his or her suspended weekly benefit amount (~~(in each of five calendar~~  
11 ~~weeks)~~).

12            The disqualification shall continue if the work obtained is a mere  
13 sham to qualify for benefits and is not bona fide work. In determining

1 whether work is of a bona fide nature, the commissioner shall consider  
2 factors including but not limited to the following:

3 (a) The duration of the work;

4 (b) The extent of direction and control by the employer over the  
5 work; and

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

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

10 (a) He or she has left work to accept a bona fide offer of bona  
11 fide work as described in subsection (1) of this section; or

12 (b) The separation was because of compelling personal reasons of  
13 the claimant, including but not limited to the claimant's marital  
14 status or domestic responsibilities, or because of the illness or  
15 disability of the claimant or the death, illness, or disability of a  
16 member of the claimant's immediate family (~~if the claimant took~~).  
17 The claimant shall have taken all reasonable precautions, in accordance  
18 with any regulations that the commissioner may prescribe, to protect  
19 his or her employment status by having promptly notified the employer  
20 of the reason for the absence and by having promptly requested  
21 reemployment when again able to assume employment(~~PROVIDED, That~~).  
22 However, these precautions need not have been taken when they would  
23 have been a futile act, including those instances when the futility of  
24 the act was a result of a recognized labor/management dispatch system.  
25 For the purposes of this subsection, "marital status" includes a  
26 marriage of the claimant pending within a reasonable period after  
27 leaving work.

28 (3)(a) In determining under this section whether an individual has  
29 left work voluntarily without good cause, the commissioner shall only  
30 consider work-connected factors such as the degree of risk involved to

1 the individual's health, safety, and morals, the individual's physical  
2 fitness for the work, the individual's ability to perform the work,  
3 distance to work and transportation available, and such other work  
4 connected factors as the commissioner may deem pertinent, including  
5 state and national emergencies. ((~~Good cause shall not be established~~  
6 ~~for voluntarily leaving work because of its distance from an~~  
7 ~~individual's residence where the distance was known to the individual~~  
8 ~~at the time he or she accepted the employment and where, in the~~  
9 ~~judgment of the department, the distance is customarily traveled by~~  
10 ~~workers in the individual's job classification and labor market, nor~~  
11 ~~because of any other significant work factor which was generally known~~  
12 ~~and present at the time he or she accepted employment, unless the~~  
13 ~~related circumstances have so changed as to amount to a substantial~~  
14 ~~involuntary deterioration of the work factor or unless the commissioner~~  
15 ~~determines that other related~~))

16 (b) Good cause shall be established whenever an individual quits  
17 work because:

18 (i) Hours of work offered, pay, distance travelled to work, or any  
19 other significant work factor has been reduced by more than ten  
20 percent, unless the reduction has been specifically agreed to in  
21 writing by the individual and the employer.

22 (ii) The employer or supervisory personnel of the employer  
23 committed misconduct. Misconduct includes but is not limited to  
24 failure to correct an illegal working condition after reasonable notice  
25 and any conduct that disqualifies an individual from unemployment  
26 benefits under RCW 50.20.060.

27 (c) Notwithstanding the requirement for written agreements in (b)  
28 of this subsection, good cause may be established when work-related  
29 circumstances would work an unreasonable hardship on the individual  
30 were he or she required to continue in the employment.

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

13       NEW SECTION.   **Sec. 2.**       If any part of this act is found to be  
14 in conflict with federal requirements which are a prescribed condition  
15 to the allocation of federal funds to the state or the eligibility of  
16 employers in this state for federal unemployment tax credits, the  
17 conflicting part of this act is hereby declared to be inoperative  
18 solely to the extent of the conflict, and such finding or determination  
19 shall not affect the operation of the remainder of this act. The rules  
20 under this act shall meet federal requirements which are a necessary  
21 condition to the receipt of federal funds by the state or the granting  
22 of federal unemployment tax credits to employers in this state.

23       NEW SECTION.   **Sec. 3.**       If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.