
HOUSE BILL 2586

State of Washington

54th Legislature

1996 Regular Session

By Representatives McMorris, Romero, Chopp, Conway and Cody; by request of Employment Security Department

Read first time 01/15/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employer sponsored programs for voluntary work
2 force reductions; amending RCW 50.20.050; creating new sections; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Many employers are reducing costs or restructuring their
7 businesses through strategies that include work force reductions;

8 (2) When programs such as employer sponsored voluntary layoffs are
9 successful, involuntary layoffs can sometimes be avoided altogether;
10 and

11 (3) Voluntary participation in an employer initiated work force
12 reduction process should not disqualify an unemployed worker from
13 unemployment insurance benefits.

14 **Sec. 2.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read
15 as follows:

16 (1) An individual shall be disqualified from benefits beginning
17 with the first day of the calendar week in which he or she has left
18 work voluntarily without good cause and thereafter for five calendar

1 weeks and until he or she has obtained bona fide work and earned wages
2 equal to five times his or her weekly benefit amount.

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

7 (a) The duration of the work;

8 (b) The extent of direction and control by the employer over the
9 work; and

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

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

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

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

27 (c) He or she has left work to relocate for the spouse's employment
28 that is outside the existing labor market area if the claimant remained
29 employed as long as was reasonable prior to the move; or

30 (d) He or she left work under the following conditions:

31 (i) The employer initiated a work force reduction program or
32 process that involves voluntary layoff or voluntary retirement and may
33 include financial or other inducements; and

34 (ii) The individual volunteered to be included in the layoff or
35 reduction-in-force or volunteered to participate in the employer's
36 layoff or retirement program; and

37 (iii) The employer retained discretion over which individuals are
38 released; and

39 (iv) The employer accordingly released the individual.

1 (3) In determining under this section whether an individual has
2 left work voluntarily without good cause, the commissioner shall only
3 consider work-connected factors such as the degree of risk involved to
4 the individual's health, safety, and morals, the individual's physical
5 fitness for the work, the individual's ability to perform the work, and
6 such other work connected factors as the commissioner may deem
7 pertinent, including state and national emergencies. Good cause shall
8 not be established for voluntarily leaving work because of its distance
9 from an individual's residence where the distance was known to the
10 individual at the time he or she accepted the employment and where, in
11 the judgment of the department, the distance is customarily traveled by
12 workers in the individual's job classification and labor market, nor
13 because of any other significant work factor which was generally known
14 and present at the time he or she accepted employment, unless the
15 related circumstances have so changed as to amount to a substantial
16 involuntary deterioration of the work factor or unless the commissioner
17 determines that other related circumstances would work an unreasonable
18 hardship on the individual were he or she required to continue in the
19 employment.

20 (4) Subsections (1) and (3) of this section shall not apply to an
21 individual whose marital status or domestic responsibilities cause him
22 or her to leave employment. Such an individual shall not be eligible
23 for unemployment insurance benefits beginning with the first day of the
24 calendar week in which he or she left work and thereafter for five
25 calendar weeks and until he or she has requalified, either by obtaining
26 bona fide work and earning wages equal to five times his or her weekly
27 benefit amount or by reporting in person to the department during ten
28 different calendar weeks and certifying on each occasion that he or she
29 is ready, able, and willing to immediately accept any suitable work
30 which may be offered, is actively seeking work pursuant to customary
31 trade practices, and is utilizing such employment counseling and
32 placement services as are available through the department. This
33 subsection does not apply to individuals covered by subsection (2) (b)
34 or (c) of this section.

35 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
36 conflict with federal requirements that are a prescribed condition to
37 the allocation of federal funds to the state or the eligibility of
38 employers in this state for federal unemployment tax credits, the

1 conflicting part of this act is hereby declared to be inoperative
2 solely to the extent of the conflict, and such finding or determination
3 shall not affect the operation of the remainder of this act. The rules
4 under this act shall meet federal requirements that are a necessary
5 condition to the receipt of federal funds by the state or the granting
6 of federal unemployment tax credits to employers in this state.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately and shall apply to separations from employment on or
11 after the effective date of this act.

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