

SENATE BILL REPORT

HB 1248

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 28, 2002

Title: An act relating to allowing victims of domestic violence or stalking to receive unemployment insurance benefits.

Brief Description: Providing unemployment insurance benefits for victims of domestic violence or stalking.

Sponsors: Representatives Kessler, Hankins, Conway, Ballasiotes, Ogden, Cody, Woods, Edmonds, O'Brien, Keiser, Mitchell, Darneille, Santos, Kenney, Linville, Tokuda, Ruderman, Rockefeller, Hurst, Van Luven, Lovick, McIntire, Schual-Berke, Poulsen, Kagi, Wood and Haigh.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/27/02, 2/28/02 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Minority Report: Do not pass.

Signed by Senators Hochstatter and Honeyford.

Staff: Joanne Conrad (786-7472)

Background: Under the Federal Unemployment Tax Act (FUTA) and state unemployment compensation law, an individual may receive benefits so long as he or she meets certain initial and continuing eligibility requirements. Initial eligibility requirements include the conditions of the individual's separation from employment. If the individual's separation was voluntary, the individual is disqualified for receiving benefits. However, an individual who leaves work for "good cause" may collect benefits so long as he or she meets other eligibility requirements. Continuing eligibility requirements include being able and available for work, actively searching for a new job, and not refusing an offer of suitable work. An individual who has received five or more weeks of benefits must provide evidence of seeking work.

Unemployment insurance laws in several other states and rules in one other state explicitly permit an individual who leaves work for certain domestic circumstances to receive benefits. These laws provide that an individual who separates from employment for specified domestic circumstances either has quit for "good cause" or is "not disqualified" for benefits. These laws do not modify other initial and continuing eligibility requirements.

Summary of Bill: Initial and continuing eligibility requirements for unemployment benefits are modified for an individual whose separation from employment was necessary to protect the individual or his or her immediate family members from domestic violence or stalking. In these circumstances:

- an individual is considered to have left work for "good cause";
- the evaluation of the suitability of work must consider the individual's need to address physical, psychological, legal, and other effects of domestic violence or stalking; and
- the individual is not required to provide evidence of seeking work for each week beyond the fifth week in which a claim for benefits is filed.

Benefits paid to the individual are not charged to the employer's experience rating account.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Workers with domestic violence situations may need to leave their jobs and communities, in order to protect themselves and make a new start. Fleeing a stalker is truly not a "voluntary quit," and should be treated as "good cause" for leaving a job. Other states that allow such workers to qualify for unemployment compensation have found that the numbers of workers needing to make use of this are small, but the benefits made a big difference for those who needed them. The fiscal impact should not be significant.

Testimony Against: Domestic violence is a societal problem, not a problem that should be borne by employers. This bill would give benefits to those who are not really looking for work. A different funding source should be found to help those who need it.

Testified: PRO: Senator Betti Sheldon; Pam Crone, NW Women's Law Center; Barbara Kitchens; Suzanne Brown, Washington Coalition of Sexual Assault Programs; Jeff Johnson, Washington State Labor Council; CON: Tonia Neal, BIAW/AWB; Mark Johnson.