

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1248

Chapter 8, Laws of 2002

57th Legislature
2002 Regular Session

UNEMPLOYMENT INSURANCE--VICTIM'S BENEFITS

EFFECTIVE DATE: 6/13/02

Passed by the House February 16, 2002
Yeas 88 Nays 10

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2002
Yeas 40 Nays 8

BRAD OWEN

President of the Senate

Approved March 12, 2002

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1248** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 12, 2002 - 2:01 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1248

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By 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

Read first time 01/22/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to allowing victims of domestic violence or
2 stalking to receive unemployment insurance benefits; and amending RCW
3 50.20.050, 50.20.100, 50.20.240, and 50.29.020.

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

5 **Sec. 1.** RCW 50.20.050 and 2000 c 2 s 12 are each amended to read
6 as follows:

7 (1) An individual shall be disqualified from benefits beginning
8 with the first day of the calendar week in which he or she has left
9 work voluntarily without good cause and thereafter for seven calendar
10 weeks and until he or she has obtained bona fide work in employment
11 covered by this title and earned wages in that employment equal to
12 seven times his or her weekly benefit amount.

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

17 (a) The duration of the work;

18 (b) The extent of direction and control by the employer over the
19 work; and

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

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

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

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

18 (c) He or she has left work to relocate for the spouse's employment
19 that is due to an employer-initiated mandatory transfer that is outside
20 the existing labor market area if the claimant remained employed as
21 long as was reasonable prior to the move; or

22 (d) The separation was necessary to protect the claimant or the
23 claimant's immediate family members from domestic violence, as defined
24 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

25 (3) In determining under this section whether an individual has
26 left work voluntarily without good cause, the commissioner shall only
27 consider work-connected factors such as the degree of risk involved to
28 the individual's health, safety, and morals, the individual's physical
29 fitness for the work, the individual's ability to perform the work, and
30 such other work connected factors as the commissioner may deem
31 pertinent, including state and national emergencies. Good cause shall
32 not be established for voluntarily leaving work because of its distance
33 from an individual's residence where the distance was known to the
34 individual at the time he or she accepted the employment and where, in
35 the judgment of the department, the distance is customarily traveled by
36 workers in the individual's job classification and labor market, nor
37 because of any other significant work factor which was generally known
38 and present at the time he or she accepted employment, unless the
39 related circumstances have so changed as to amount to a substantial

1 involuntary deterioration of the work factor or unless the commissioner
2 determines that other related circumstances would work an unreasonable
3 hardship on the individual were he or she required to continue in the
4 employment.

5 (4) Subsections (1) and (3) of this section shall not apply to an
6 individual whose marital status or domestic responsibilities cause him
7 or her to leave employment. Such an individual shall not be eligible
8 for unemployment insurance benefits beginning with the first day of the
9 calendar week in which he or she left work and thereafter for seven
10 calendar weeks and until he or she has requalified, either by obtaining
11 bona fide work in employment covered by this title and earning wages in
12 that employment equal to seven times his or her weekly benefit amount
13 or by reporting in person to the department during ten different
14 calendar weeks and certifying on each occasion that he or she is ready,
15 able, and willing to immediately accept any suitable work which may be
16 offered, is actively seeking work pursuant to customary trade
17 practices, and is utilizing such employment counseling and placement
18 services as are available through the department. This subsection does
19 not apply to individuals covered by subsection (2)(b) or (c) of this
20 section.

21 **Sec. 2.** RCW 50.20.100 and 1989 c 380 s 80 are each amended to read
22 as follows:

23 (1) Suitable work for an individual is employment in an occupation
24 in keeping with the individual's prior work experience, education, or
25 training and if the individual has no prior work experience, special
26 education, or training for employment available in the general area,
27 then employment which the individual would have the physical and mental
28 ability to perform(~~(, and for individuals with base year work~~
29 ~~experience in agricultural labor, any agricultural labor available from~~
30 ~~any employer shall be deemed suitable unless it meets the conditions in~~
31 ~~RCW 50.20.110 or the commissioner finds elements of specific work~~
32 ~~opportunity unsuitable for a particular individual)). In determining
33 whether work is suitable for an individual, the commissioner shall also
34 consider the degree of risk involved to the individual's health,
35 safety, and morals, the individual's physical fitness, the individual's
36 length of unemployment and prospects for securing local work in the
37 individual's customary occupation, the distance of the available work
38 from the individual's residence, and such other factors as the~~

1 commissioner may deem pertinent, including state and national
2 emergencies.

3 (2) For individuals with base year work experience in agricultural
4 labor, any agricultural labor available from any employer shall be
5 deemed suitable unless it meets conditions in RCW 50.20.110 or the
6 commissioner finds elements of specific work opportunity unsuitable for
7 a particular individual.

8 (3) For individuals who have qualified for unemployment
9 compensation benefits under RCW 50.20.050(2)(d), an evaluation of the
10 suitability of the work must consider the individual's need to address
11 the physical, psychological, legal, and other effects of domestic
12 violence or stalking.

13 **Sec. 3.** RCW 50.20.240 and 1998 c 161 s 4 are each amended to read
14 as follows:

15 To ensure that following the initial application for benefits, an
16 individual is actively engaged in searching for work, effective July 1,
17 1999, the employment security department shall implement a job search
18 monitoring program. Except for those individuals with employer
19 attachment or union referral, individuals who qualify for unemployment
20 compensation under RCW 50.20.050(2)(d), and individuals in
21 commissioner-approved training, an individual who has received five or
22 more weeks of benefits under this title must provide evidence of
23 seeking work, as directed by the commissioner or ~~((the))~~ the
24 commissioner's agents, for each week beyond five in which a claim is
25 filed. The evidence must demonstrate contacts with at least three
26 employers per week or documented in-person job search activity at the
27 local reemployment center. In developing the requirements for the job
28 search monitoring program, the commissioner or the commissioner's
29 agents shall utilize an existing advisory committee having equal
30 representation of employers and workers.

31 **Sec. 4.** RCW 50.29.020 and 2000 c 2 s 3 are each amended to read as
32 follows:

33 (1) An experience rating account shall be established and
34 maintained for each employer, except employers as described in RCW
35 50.44.010 and 50.44.030 who have properly elected to make payments in
36 lieu of contributions, taxable local government employers as described
37 in RCW 50.44.035, and those employers who are required to make payments

1 in lieu of contributions, based on existing records of the employment
2 security department. Benefits paid to any eligible individuals shall
3 be charged to the experience rating accounts of each of such
4 individual's employers during the individual's base year in the same
5 ratio that the wages paid by each employer to the individual during the
6 base year bear to the wages paid by all employers to that individual
7 during that base year, except as otherwise provided in this section.

8 (2) The legislature finds that certain benefit payments, in whole
9 or in part, should not be charged to the experience rating accounts of
10 employers except those employers described in RCW 50.44.010 and
11 50.44.030 who have properly elected to make payments in lieu of
12 contributions, taxable local government employers described in RCW
13 50.44.035, and those employers who are required to make payments in
14 lieu of contributions, as follows:

15 (a) Benefits paid to any individuals later determined to be
16 ineligible shall not be charged to the experience rating account of any
17 contribution paying employer.

18 (b) Benefits paid to an individual filing under the provisions of
19 chapter 50.06 RCW shall not be charged to the experience rating account
20 of any contribution paying employer only if:

21 (i) The individual files under RCW 50.06.020(1) after receiving
22 crime victims' compensation for a disability resulting from a nonwork-
23 related occurrence; or

24 (ii) The individual files under RCW 50.06.020(2).

25 (c) Benefits paid which represent the state's share of benefits
26 payable as extended benefits defined under RCW 50.22.010(6) shall not
27 be charged to the experience rating account of any contribution paying
28 employer.

29 (d) In the case of individuals who requalify for benefits under RCW
30 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
31 the disqualifying separation shall not be charged to the experience
32 rating account of the contribution paying employer from whom that
33 separation took place.

34 (e) Individuals who qualify for benefits under RCW 50.20.050(2)(d)
35 shall not have their benefits charged to the experience rating account
36 of any contribution paying employer.

37 (f) In the case of individuals identified under RCW 50.20.015,
38 benefits paid with respect to a calendar quarter, which exceed the
39 total amount of wages earned in the state of Washington in the higher

1 of two corresponding calendar quarters included within the individual's
2 determination period, as defined in RCW 50.20.015, shall not be charged
3 to the experience rating account of any contribution paying employer.

4 (~~(f)~~) (g) Benefits paid under RCW 50.22.150 shall not be charged
5 to the experience rating account of any contribution paying employer.

6 (3)(a) A contribution-paying base year employer, not otherwise
7 eligible for relief of charges for benefits under this section, may
8 receive such relief if the benefit charges result from payment to an
9 individual who:

10 (i) Last left the employ of such employer voluntarily for reasons
11 not attributable to the employer;

12 (ii) Was discharged for misconduct connected with his or her work
13 not a result of inability to meet the minimum job requirements;

14 (iii) Is unemployed as a result of closure or severe curtailment of
15 operation at the employer's plant, building, work site, or other
16 facility. This closure must be for reasons directly attributable to a
17 catastrophic occurrence such as fire, flood, or other natural disaster;
18 or

19 (iv) Continues to be employed on a regularly scheduled permanent
20 part-time basis by a base year employer and who at some time during the
21 base year was concurrently employed and subsequently separated from at
22 least one other base year employer. Benefit charge relief ceases when
23 the employment relationship between the employer requesting relief and
24 the claimant is terminated. This subsection does not apply to shared
25 work employers under chapter 50.60 RCW.

26 (b) The employer requesting relief of charges under this subsection
27 must request relief in writing within thirty days following mailing to
28 the last known address of the notification of the valid initial
29 determination of such claim, stating the date and reason for the
30 separation or the circumstances of continued employment. The
31 commissioner, upon investigation of the request, shall determine
32 whether relief should be granted.

Passed the House February 16, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor March 12, 2002.

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