

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2509

Chapter 110, Laws of 2004

58th Legislature
2004 Regular Session

UNEMPLOYMENT COMPENSATION--DOMESTIC VIOLENCE REFERENCES

EFFECTIVE DATE: 6/10/04

Passed by the House February 11, 2004
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2004
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 24, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2509** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 24, 2004 - 2:25 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2509

Passed Legislature - 2004 Regular Session

State of Washington

58th Legislature

2004 Regular Session

By Representatives McCoy, Condotta, Conway, McMorris, Moeller and Chase; by request of Employment Security Department

Read first time 01/15/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to correcting references to the domestic violence
2 provision in RCW 50.20.050; and amending RCW 50.20.240, 50.20.100, and
3 50.29.020.

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

5 **Sec. 1.** RCW 50.20.240 and 2003 2nd sp.s. c 4 s 10 are each amended
6 to read as follows:

7 (1)(a) To ensure that following the initial application for
8 benefits, an individual is actively engaged in searching for work, the
9 employment security department shall implement a job search monitoring
10 program. Effective January 4, 2004, the department shall contract with
11 employment security agencies in other states to ensure that individuals
12 residing in those states and receiving benefits under this title are
13 actively engaged in searching for work in accordance with the
14 requirements of this section. The department may use interactive voice
15 technology and other electronic means to ensure that individuals are
16 subject to comparable job search monitoring, regardless of whether they
17 reside in Washington or elsewhere.

18 (b) Except for those individuals with employer attachment or union
19 referral, individuals who qualify for unemployment compensation under

1 RCW 50.20.050 (1)(b)(~~(iii)~~) (iv) or (2)(b)(~~(v)~~) (iv), as
2 applicable, and individuals in commissioner-approved training, an
3 individual who has received five or more weeks of benefits under this
4 title, regardless of whether the individual resides in Washington or
5 elsewhere, must provide evidence of seeking work, as directed by the
6 commissioner or the commissioner's agents, for each week beyond five in
7 which a claim is filed. With regard to claims with an effective date
8 before January 4, 2004, the evidence must demonstrate contacts with at
9 least three employers per week or documented in-person job search
10 activity at the local reemployment center. With regard to claims with
11 an effective date on or after January 4, 2004, the evidence must
12 demonstrate contacts with at least three employers per week or
13 documented in-person job search activities at the local reemployment
14 center at least three times per week.

15 (c) In developing the requirements for the job search monitoring
16 program, the commissioner or the commissioner's agents shall utilize an
17 existing advisory committee having equal representation of employers
18 and workers.

19 (2) Effective January 4, 2004, an individual who fails to comply
20 fully with the requirements for actively seeking work under RCW
21 50.20.010 shall lose all benefits for all weeks during which the
22 individual was not in compliance, and the individual shall be liable
23 for repayment of all such benefits under RCW 50.20.190.

24 **Sec. 2.** RCW 50.20.100 and 2003 2nd sp.s. c 4 s 13 are each amended
25 to read as follows:

26 (1) Suitable work for an individual is employment in an occupation
27 in keeping with the individual's prior work experience, education, or
28 training and if the individual has no prior work experience, special
29 education, or training for employment available in the general area,
30 then employment which the individual would have the physical and mental
31 ability to perform. In determining whether work is suitable for an
32 individual, the commissioner shall also consider the degree of risk
33 involved to the individual's health, safety, and morals, the
34 individual's physical fitness, the individual's length of unemployment
35 and prospects for securing local work in the individual's customary
36 occupation, the distance of the available work from the individual's

1 residence, and such other factors as the commissioner may deem
2 pertinent, including state and national 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 part-time workers as defined in RCW 50.20.119, suitable
9 work includes suitable work under subsection (1) of this section that
10 is for seventeen or fewer hours per week.

11 (4) For individuals who have qualified for unemployment
12 compensation benefits under RCW 50.20.050 (1)(b)(~~(iii)~~) (iv) or
13 (2)(b)(~~(v)~~) (iv), as applicable, an evaluation of the suitability of
14 the work must consider the individual's need to address the physical,
15 psychological, legal, and other effects of domestic violence or
16 stalking.

17 **Sec. 3.** RCW 50.29.020 and 2003 2nd sp.s. c 4 s 20 are each amended
18 to read as follows:

19 (1) This section applies to benefits charged to the experience
20 rating accounts of employers for claims that have an effective date
21 before January 4, 2004.

22 (2) An experience rating account shall be established and
23 maintained for each employer, except employers as described in RCW
24 50.44.010 and 50.44.030 who have properly elected to make payments in
25 lieu of contributions, taxable local government employers as described
26 in RCW 50.44.035, and those employers who are required to make payments
27 in lieu of contributions, based on existing records of the employment
28 security department. Benefits paid to any eligible individuals shall
29 be charged to the experience rating accounts of each of such
30 individual's employers during the individual's base year in the same
31 ratio that the wages paid by each employer to the individual during the
32 base year bear to the wages paid by all employers to that individual
33 during that base year, except as otherwise provided in this section.

34 (3) The legislature finds that certain benefit payments, in whole
35 or in part, should not be charged to the experience rating accounts of
36 employers except those employers described in RCW 50.44.010 and
37 50.44.030 who have properly elected to make payments in lieu of

1 contributions, taxable local government employers described in RCW
2 50.44.035, and those employers who are required to make payments in
3 lieu of contributions, as follows:

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

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

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

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

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

18 (d) In the case of individuals who requalify for benefits under RCW
19 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
20 the disqualifying separation shall not be charged to the experience
21 rating account of the contribution paying employer from whom that
22 separation took place.

23 (e) Individuals who qualify for benefits under RCW
24 50.20.050(1)(b)(~~(iii)~~) (iv) shall not have their benefits charged to
25 the experience rating account of any contribution paying employer.

26 (f) In the case of individuals identified under RCW 50.20.015,
27 benefits paid with respect to a calendar quarter, which exceed the
28 total amount of wages earned in the state of Washington in the higher
29 of two corresponding calendar quarters included within the individual's
30 determination period, as defined in RCW 50.20.015, shall not be charged
31 to the experience rating account of any contribution paying employer.

32 (4)(a) A contribution-paying base year employer, not otherwise
33 eligible for relief of charges for benefits under this section, may
34 receive such relief if the benefit charges result from payment to an
35 individual who:

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

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

3 (iii) Is unemployed as a result of closure or severe curtailment of
4 operation at the employer's plant, building, worksite, or other
5 facility. This closure must be for reasons directly attributable to a
6 catastrophic occurrence such as fire, flood, or other natural disaster;
7 or

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

15 (b) The employer requesting relief of charges under this subsection
16 must request relief in writing within thirty days following mailing to
17 the last known address of the notification of the valid initial
18 determination of such claim, stating the date and reason for the
19 separation or the circumstances of continued employment. The
20 commissioner, upon investigation of the request, shall determine
21 whether relief should be granted.

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