
SUBSTITUTE HOUSE BILL 1730

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Prentice, R. King and Cole).

Read first time March 1, 1991.

1 AN ACT Relating to unemployment compensation and benefits; amending
2 RCW 50.20.050, 50.20.060, 50.20.120, 50.06.010, 50.06.020, and
3 50.06.030; adding a new section to chapter 50.20 RCW; creating a new
4 section; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended
7 to read as follows:

8 (1) An individual shall be disqualified from benefits beginning
9 with the first day of the calendar week in which he or she has left
10 work voluntarily without good cause and thereafter until he or she has
11 obtained bona fide work and earned wages of not less than his or her
12 suspended weekly benefit amount in each of five calendar weeks, or
13 until he or she has reported in person to the department during five
14 different calendar weeks, certifying on each occasion that he or she is
15 able to work and is available for work as required under RCW

1 50.20.010(3), and is using such employment counseling and placement
2 services as are available through the department.

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; or

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

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 until he or she has requalified,~~
24 ~~either by obtaining bona fide work and earning wages of not less than~~
25 ~~the suspended weekly benefit amount in each of five calendar weeks or~~
26 ~~by reporting in person to the department during ten different calendar~~
27 ~~weeks and certifying on each occasion that he or she is ready, able,~~
28 ~~and willing to immediately accept any suitable work which may be~~
29 ~~offered, is actively seeking work pursuant to customary trade~~

1 practices, and is utilizing such employment counseling and placement
2 services as are available through the department.))

3 **Sec. 2.** RCW 50.20.060 and 1982 1st ex.s. c 18 s 16 are each
4 amended to read as follows:

5 (1) An individual shall be disqualified from benefits beginning
6 with the first day of the calendar week in which he or she has been
7 discharged or suspended for intentional misconduct connected with his
8 or her work and thereafter until he or she has ~~((obtained work and~~
9 ~~earned))~~ requalified, either by obtaining work and earning wages of not
10 less than the suspended weekly benefit amount in each of five calendar
11 weeks, or by reporting in person to the department during five
12 different calendar weeks, certifying on each occasion that he or she is
13 able to work and is available for work as required under RCW
14 50.20.010(3), and is using such employment counseling and placement
15 services as are available through the department.

16 (2) Alcoholism shall not constitute a defense to disqualification
17 from benefits due to misconduct.

18 ~~((2) An individual who has been discharged because of a felony or~~
19 ~~a gross misdemeanor of which he or she has been convicted, or has~~
20 ~~admitted committing to a competent authority, and which is connected~~
21 ~~with his or her work shall be disqualified from receiving any benefits~~
22 ~~for which base year credits are earned in any employment prior to the~~
23 ~~discharge. Such disqualification begins with the first day of the~~
24 ~~calendar week in which he or she has been discharged, and all benefits~~
25 ~~paid during the period the individual was disqualified shall be~~
26 ~~recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other~~
27 ~~provision of this title.))~~

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.20 RCW
2 to read as follows:

3 An individual who has been discharged because of a felony or a
4 gross misdemeanor of which he or she has been convicted, or has
5 admitted committing to a competent authority, and which is connected
6 with his or her work shall be disqualified from receiving any benefits
7 for which base year credits are earned in any employment prior to the
8 discharge. Such disqualification begins with the first day of the
9 calendar week in which he or she has been discharged, and all benefits
10 paid during the period the individual was disqualified shall be
11 recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other
12 provision of this title.

13 **Sec. 4.** RCW 50.20.120 and 1984 c 205 s 1 are each amended to read
14 as follows:

15 (1) Subject to the other provisions of this title, benefits shall
16 be payable to any eligible individual during the individual's benefit
17 year in a maximum amount equal to the lesser of thirty times the weekly
18 benefit amount (determined hereinafter) or one-third of the
19 individual's base year wages under this title, but in no case less than
20 fifteen times the weekly benefit amount: PROVIDED, That as to any week
21 beginning on and after March 31, 1981, which falls in an extended
22 benefit period as defined in RCW 50.22.010(1), as now or hereafter
23 amended, an individual's eligibility for maximum benefits in excess of
24 twenty-six times his or her weekly benefit amount will be subject to
25 the terms and conditions set forth in RCW 50.22.020, as now or
26 hereafter amended.

27 (2) An individual's weekly benefit amount shall be an amount equal
28 to one twenty-fifth of the average quarterly wages of the individual's
29 total wages during the two quarters of the individual's base year in

1 which such total wages were highest. The maximum and minimum amounts
2 payable weekly shall be determined as of each June 30th to apply to
3 benefit years beginning in the twelve-month period immediately
4 following such June 30th. The maximum amount payable weekly shall be
5 fifty-five percent of the "average weekly wage" for the calendar year
6 preceding such June 30th: PROVIDED, That if as of the first December
7 31st on which the ratio of the balance in the unemployment compensation
8 fund to total remuneration paid by all employers subject to
9 contributions during the calendar year ending on such December 31st and
10 reported to the department by the following March 31st is 0.024 or
11 more, the maximum amount payable weekly for benefit years beginning
12 with the first full calendar week in July next following, and
13 thereafter, shall be sixty percent of the "average weekly wage". The
14 computation for this ratio shall be carried to the fourth decimal place
15 with the remaining fraction, if any, disregarded: PROVIDED FURTHER,
16 That for benefit years beginning before July 7, 1985, the maximum
17 amount payable weekly shall not exceed one hundred eighty-five dollars.
18 The minimum amount payable weekly shall be (~~(fifteen)~~) twenty-five
19 percent of the "average weekly wage" for the calendar year preceding
20 such June 30th. If any weekly benefit, maximum benefit, or minimum
21 benefit amount computed herein is not a multiple of one dollar, it
22 shall be reduced to the next lower multiple of one dollar.

23 **Sec. 5.** RCW 50.06.010 and 1984 c 65 s 1 are each amended to read
24 as follows:

25 This chapter is enacted for the purpose of providing the protection
26 of the unemployment compensation system to persons who have suffered a
27 temporary total disability compensable under industrial insurance or
28 crime victims compensation laws (~~(and)~~) or who are reentering the work
29 force after a temporary career disruption because of domestic

1 responsibilities, marital status, or compelling personal reasons. It
2 is a recognition by this legislature of the economic hardship
3 confronting those persons who have not been promptly reemployed after
4 a prolonged period of ((temporary total disability)) absence from the
5 work force.

6 **Sec. 6.** RCW 50.06.020 and 1984 c 65 s 2 are each amended to read
7 as follows:

8 The benefits of this chapter shall be allowed only to:

9 (1) Individuals who have suffered a temporary total disability and
10 have received compensation under the industrial insurance or crime
11 victims compensation laws of this state, any other state or the United
12 States for a period of not less than thirteen consecutive calendar
13 weeks by reason of such temporary total disability ((shall be allowed
14 the benefits of this chapter)); or

15 (2) Individuals who are reentering the work force after an absence
16 related to domestic responsibilities, marital status, or compelling
17 personal reasons, as defined by department rule, which reasons shall
18 include but not be limited to providing care for family members,
19 participating full-time in a formal educational or training program, or
20 suffering temporary total disability because of a nonwork-related
21 injury.

22 **Sec. 7.** RCW 50.06.030 and 1987 c 278 s 3 are each amended to read
23 as follows:

24 (1) In the case of individuals eligible under RCW 50.06.020(1), an
25 application for initial determination made pursuant to this chapter, to
26 be considered timely, must be filed in writing with the employment
27 security department within twenty-six weeks following the week in which
28 the period of temporary total disability commenced. Notice from the

1 department of labor and industries shall satisfy this requirement. The
2 records of the agency supervising the award of compensation shall be
3 conclusive evidence of the fact of temporary disability and the
4 beginning date of such disability.

5 (2) In the case of individuals eligible under RCW 50.06.020(2), an
6 application for initial determination may be filed in writing at any
7 time after the individual begins seeking full-time employment.

8 (3) The employment security department shall process and issue an
9 initial determination of entitlement or nonentitlement as the case may
10 be.

11 (4) For the purpose of this chapter, a special base year is
12 established for an individual consisting of either the first four of
13 the last five completed calendar quarters or the last four completed
14 calendar quarters immediately prior to the first day of the calendar
15 week in which the individual's temporary total disability or absence
16 from the work force commenced, as applicable, and a special individual
17 benefit year is established consisting of the entire period of
18 disability or period of absence from the work force, as applicable, and
19 a fifty-two consecutive week period commencing with the first day of
20 the calendar week immediately following the week or part thereof with
21 respect to which the individual received his final temporary total
22 disability compensation under the applicable industrial insurance or
23 crime victims compensation laws, or the week in which the individual
24 filed an application of initial determination, as applicable, except
25 that no special benefit year shall have a duration in excess of three
26 hundred twelve calendar weeks: PROVIDED HOWEVER, That such special
27 benefit year will not be established unless the criteria contained in
28 RCW 50.04.030 has been met, except that an individual meeting the
29 ~~((disability and filing))~~ eligibility requirements of this chapter and
30 who has an unexpired benefit year established which would overlap the

1 special benefit year provided by this chapter, notwithstanding the
2 provisions in RCW 50.04.030 relating to the establishment of a
3 subsequent benefit year and RCW 50.40.010 relating to waiver of rights,
4 may elect to establish a special benefit year under this chapter:
5 PROVIDED FURTHER, that the unexpired benefit year shall be terminated
6 with the beginning of the special benefit year if the individual elects
7 to establish such special benefit year.

8 (5) For the purposes of establishing a benefit year, the department
9 shall initially use the first four of the last five completed calendar
10 quarters as the base year. If a benefit year is not established using
11 the first four of the last five calendar quarters as the base year, the
12 department shall use the last four completed calendar quarters as the
13 base year.

14 NEW SECTION. **Sec. 8.** If any part of this act is found to be
15 in conflict with federal requirements which are a prescribed condition
16 to the allocation of federal funds to the state or the eligibility of
17 employers in this state for federal unemployment tax credits, the
18 conflicting part of this act is hereby declared to be inoperative
19 solely to the extent of the conflict, and such finding or determination
20 shall not affect the operation of the remainder of this act. The rules
21 under this act shall meet federal requirements which are a necessary
22 condition to the receipt of federal funds by the state or the granting
23 of federal unemployment tax credits to employers in this state.

24 NEW SECTION. **Sec. 9.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 10.** Section 4 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and shall take effect July 7, 1991, for new claims filed on or after
5 July 7, 1991.