
SUBSTITUTE SENATE BILL 5920

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored by Senator Vognild)

Read first time 02/04/94.

1 AN ACT Relating to unemployment insurance deductions; amending RCW
2 50.04.310, 50.20.130, and 50.20.050; and creating new sections.

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

4 **Sec. 1.** RCW 50.04.310 and 1984 c 134 s 1 are each amended to read
5 as follows:

6 (1) An individual shall be deemed to be "unemployed" in any week
7 during which the individual performs no services and with respect to
8 which no remuneration is payable to the individual, or in any week of
9 less than full time work, if the remuneration payable to the individual
10 with respect to such week is less than one and (~~one-third~~) one-half
11 times the individual's weekly benefit amount plus (~~five~~) fifteen
12 dollars. The commissioner shall prescribe regulations applicable to
13 unemployed individuals making such distinctions in the procedures as to
14 such types of unemployment as the commissioner deems necessary.

15 (2) An individual shall be deemed not to be "unemployed" during any
16 week which falls totally within a period during which the individual,
17 pursuant to a collective bargaining agreement or individual employment
18 contract, is employed full time in accordance with a definition of full
19 time contained in the agreement or contract, and for which compensation

1 for full time work is payable. This subsection may not be applied
2 retroactively to an individual who had no guarantee of work at the
3 start of such period and subsequently is provided additional work by
4 the employer.

5 **Sec. 2.** RCW 50.20.130 and 1983 1st ex.s. c 23 s 12 are each
6 amended to read as follows:

7 If an eligible individual is available for work for less than a
8 full week, he or she shall be paid his weekly benefit amount reduced by
9 one-seventh of such amount for each day that he or she is unavailable
10 for work: PROVIDED, That if he or she is unavailable for work for
11 three days or more of a week, he or she shall be considered unavailable
12 for the entire week.

13 Each eligible individual who is unemployed in any week shall be
14 paid with respect to such week a benefit in an amount equal to his or
15 her weekly benefit amount less (~~(seventy-five)~~) sixty-six and two-
16 thirds percent of that part of the remuneration (if any) payable to him
17 with respect to such week which is in excess of (~~(five)~~) fifteen
18 dollars. Such benefit, if not a multiple of one dollar, shall be
19 reduced to the next lower multiple of one dollar.

20 **Sec. 3.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read
21 as follows:

22 (1) An individual shall be disqualified from benefits beginning
23 with the first day of the calendar week in which he or she has left
24 work voluntarily without good cause and thereafter for five calendar
25 weeks and until he or she has obtained bona fide work and earned wages
26 equal to five times his or her weekly benefit amount.

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

31 (a) The duration of the work;

32 (b) The extent of direction and control by the employer over the
33 work; and

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

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

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

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

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

17 (3) In determining under this section whether an individual has
18 left work voluntarily without good cause, the commissioner shall only
19 consider work-connected factors such as the degree of risk involved to
20 the individual's health, safety, and morals, the individual's physical
21 fitness for the work, the individual's ability to perform the work, and
22 such other work connected factors as the commissioner may deem
23 pertinent, including state and national emergencies. Good cause shall
24 not be established for voluntarily leaving work because of its distance
25 from an individual's residence where the distance was known to the
26 individual at the time he or she accepted the employment and where, in
27 the judgment of the department, the distance is customarily traveled by
28 workers in the individual's job classification and labor market, nor
29 because of any other significant work factor which was generally known
30 and present at the time he or she accepted employment, unless the
31 related circumstances have so changed as to amount to a substantial
32 involuntary deterioration of the work factor or unless the commissioner
33 determines that other related circumstances would work an unreasonable
34 hardship on the individual were he or she required to continue in the
35 employment. The commissioner shall consider it an unreasonable
36 hardship for an individual whose primary occupation is in permanent,
37 full-time employment or who worked full-time hours in suitable
38 employment to accept and remain in temporary or part-time employment
39 when doing so interferes with his or her ability to seek or accept

1 suitable full-time, permanent employment if the individual took all
2 reasonable steps to obtain suitable permanent, full-time work with the
3 employer before leaving the work. For purposes of this subsection,
4 "full-time employment" means the customary hours worked per day or per
5 week in the individual's occupation and labor market, and "temporary
6 employment" means employment with an expected duration of three months
7 or less.

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

23 NEW SECTION. Sec. 4. This act applies to weeks of unemployment
24 beginning after January 1, 1995.

25 NEW SECTION. Sec. 5. If any part of this act is found to be in
26 conflict with federal requirements that are a prescribed condition to
27 the allocation of federal funds to the state or the eligibility of
28 employers in this state for federal unemployment tax credits, the
29 conflicting part of this act is hereby declared to be inoperative
30 solely to the extent of the conflict, and such finding or determination
31 shall not affect the operation of the remainder of this act. The rules
32 under this act shall meet federal requirements that are a necessary
33 condition to the receipt of federal funds by the state or the granting
34 of federal unemployment tax credits to employers in this state.

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