
SENATE BILL 5242

State of Washington

61st Legislature

2009 Regular Session

By Senators Honeyford, Holmquist, King, Parlette, and Schoesler

Read first time 01/19/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to qualifying for benefits when leaving work
2 voluntarily; amending RCW 50.20.050; and creating new sections.

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

4 **Sec. 1.** RCW 50.20.050 and 2008 c 323 s 1 are each amended to read
5 as follows:

6 (1) With respect to claims that have an effective date before
7 January 4, 2004:

8 (a) 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 for seven calendar
11 weeks and until he or she has obtained bona fide work in employment
12 covered by this title and earned wages in that employment equal to
13 seven times his or her weekly benefit amount.

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

18 (i) The duration of the work;

1 (ii) The extent of direction and control by the employer over the
2 work; and

3 (iii) The level of skill required for the work in light of the
4 individual's training and experience.

5 (b) An individual shall not be considered to have left work
6 voluntarily without good cause when:

7 (i) He or she has left work to accept a bona fide offer of bona
8 fide work as described in (a) of this subsection;

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

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

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

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

1 because of any other significant work factor which was generally known
2 and present at the time he or she accepted employment, unless the
3 related circumstances have so changed as to amount to a substantial
4 involuntary deterioration of the work factor or unless the commissioner
5 determines that other related circumstances would work an unreasonable
6 hardship on the individual were he or she required to continue in the
7 employment.

8 (d) Subsection (1)(a) and (c) 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 seven
13 calendar weeks and until he or she has requalified, either by obtaining
14 bona fide work in employment covered by this title and earning wages in
15 that employment equal to seven times his or her weekly benefit amount
16 or by reporting in person to the department during ten different
17 calendar weeks and certifying on each occasion that he or she is ready,
18 able, and willing to immediately accept any suitable work which may be
19 offered, is actively seeking work pursuant to customary trade
20 practices, and is utilizing such employment counseling and placement
21 services as are available through the department. This subsection does
22 not apply to individuals covered by (b)(ii) or (iii) of this
23 subsection.

24 (2) With respect to claims that have an effective date on or after
25 January 4, 2004:

26 (a) An individual shall be disqualified from benefits beginning
27 with the first day of the calendar week in which he or she has left
28 work voluntarily without good cause and thereafter for seven calendar
29 weeks and until he or she has obtained bona fide work in employment
30 covered by this title and earned wages in that employment equal to
31 seven times his or her weekly benefit amount.

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

- 36 (i) The duration of the work;
37 (ii) The extent of direction and control by the employer over the
38 work; and

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

3 (b) An individual has good cause and is not disqualified from
4 benefits under (a) of this subsection (~~(when)~~) only under the following
5 circumstances:

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

8 (ii) The separation was necessary because of the illness or
9 disability of the claimant or the death, illness, or disability of a
10 member of the claimant's immediate family if:

11 (A) The claimant pursued all reasonable alternatives to preserve
12 his or her employment status by requesting a leave of absence, by
13 having promptly notified the employer of the reason for the absence,
14 and by having promptly requested reemployment when again able to assume
15 employment. These alternatives need not be pursued, however, when they
16 would have been a futile act, including those instances when the
17 futility of the act was a result of a recognized labor/management
18 dispatch system; and

19 (B) The claimant terminated his or her employment status, and is
20 not entitled to be reinstated to the same position or a comparable or
21 similar position;

22 (iii)(A) With respect to claims that have an effective date before
23 July 2, 2006, he or she: (I) Left work to relocate for the spouse's
24 employment that, due to a mandatory military transfer: (1) Is outside
25 the existing labor market area; and (2) is in Washington or another
26 state that, pursuant to statute, does not consider such an individual
27 to have left work voluntarily without good cause; and (II) remained
28 employed as long as was reasonable prior to the move;

29 (B) With respect to claims that have an effective date on or after
30 July 2, 2006, he or she: (I) Left work to relocate for the spouse's
31 employment that, due to a mandatory military transfer, is outside the
32 existing labor market area; and (II) remained employed as long as was
33 reasonable prior to the move;

34 (iv) The separation was necessary to protect the claimant or the
35 claimant's immediate family members from domestic violence, as defined
36 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

37 (v) The individual's usual compensation was reduced by twenty-five
38 percent or more;

1 (vi) The individual's usual hours were reduced by twenty-five
2 percent or more;

3 (vii) The individual's worksite changed, such change caused a
4 material increase in distance or difficulty of travel, and, after the
5 change, the commute was greater than is customary for workers in the
6 individual's job classification and labor market;

7 (viii) The individual's worksite safety deteriorated, the
8 individual reported such safety deterioration to the employer, and the
9 employer failed to correct the hazards within a reasonable period of
10 time;

11 (ix) The individual left work because of illegal activities in the
12 individual's worksite, the individual reported such activities to the
13 employer, and the employer failed to end such activities within a
14 reasonable period of time;

15 (x) The individual's usual work was changed to work that violates
16 the individual's religious convictions or sincere moral beliefs; or

17 (xi) With respect to individuals who separate from work on or after
18 June 12, 2008, the individual left work to enter an apprenticeship
19 program approved by the Washington state apprenticeship training
20 council. Benefits are payable beginning Sunday of the week prior to
21 the week in which the individual begins active participation in the
22 apprenticeship program.

23 NEW SECTION. Sec. 2. This act applies to claims with an effective
24 date on or after the effective date of this act.

25 NEW SECTION. Sec. 3. 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 inoperative solely to the extent of the
30 conflict, and the finding or determination does not affect the
31 operation of the remainder of this act. Rules adopted under this act
32 must meet federal requirements that are a necessary condition to the
33 receipt of federal funds by the state or the granting of federal
34 unemployment tax credits to employers in this state.

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