
Labor & Workplace Standards Committee

HB 1445

Brief Description: Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes.

Sponsors: Representatives Gregerson, Chapman, Reeves, Sells, Doglio, Orwall, Lekanoff, Ortiz-Self, Peterson, Frame, Senn, Thai, Robinson, Lovick, Stanford, Bergquist, Jinkins, Morgan, Kilduff, Macri and Ormsby.

Brief Summary of Bill

- Adds unemployment insurance good cause quit provisions relating to inaccessibility of care for a child or vulnerable adult.
- Adds as factors in determining suitable work the claimant's typical workweek hours and the availability of caregiving for a child or vulnerable adult.
- Requires that benefits are charged only to a separating employer when the benefits result from a good cause quit due to an alteration in the claimant's work shifts to make care for a child or vulnerable adult inaccessible.

Hearing Date: 1/31/19

Staff: Joan Elgee (786-7106).

Background:

General.

The unemployment compensation system is designed to provide partial wage replacement for workers who are unemployed. Eligible unemployed workers receive benefits based on their earnings in their base year. The base year is typically the first four of the last five completed calendar quarters. The Employment Security Department (Department) administers this system.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A claimant is eligible to receive unemployment insurance benefits if the claimant: (1) worked at least 680 hours in the base year; (2) was separated from employment through no fault of the claimant's or quit work for good cause; and (3) is available to work and is actively searching for work.

Good Cause Quit.

A claimant may quit and maintain eligibility for benefits only under good cause quit circumstances listed in statute. These circumstances include that the claimant's usual compensation or hours were reduced by 25 percent or more or the separation was necessary to protect the claimant or immediate family member from domestic violence.

Another good cause quit circumstance is when the separation was necessary because of the illness or disability of the claimant or death, illness, or disability of an immediate family member. This good cause quit circumstance requires that the claimant: (1) pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, having promptly notified the employer of the reason for the absence, and having promptly requested reemployment when able to work; and (2) terminated his or her employment status and is not entitled to be reinstated to the same, comparable, or similar position.

Suitable Work.

To be available for work, a claimant must be ready, able, and willing to accept any suitable work. Suitable work is employment in an occupation in keeping with the claimant's prior work experience, education, training, or if the claimant has no work experience, other criteria apply. In determining whether work is suitable, the Commissioner of the Department must also consider:

- the degree of risk to the claimant's health, safety, and morals;
- the claimant's physical fitness;
- the claimant's length of unemployment;
- the claimant's prospects for securing local work in the claimant's customary occupation;
- the distance of the available work from the claimant's residence; and
- other factors the Commissioner may deem pertinent.

Under the Department's rules, the claimant must be willing to work full-time, part-time, and accept temporary work during all of the usual hours and days of the week customary for the claimant's occupation.

Special rules apply to part-time workers. A part-time worker may not be denied benefits for being available and applying only for part-time work. A "part-time worker" is a claimant who earned wages in at least 40 weeks in the base year and did not work more than 17 hours in any base year weeks.

Benefit Charging.

Most employers pay contributions (payroll taxes) to finance unemployment benefits. An employer's tax rate is experience-rated so that the rate is determined, in part, by the benefits paid to its employees. Benefits are charged to base year employers on a pro rata basis according to the amount of wages paid to the claimant by the employer in the claimant's base year compared to the wages paid by all employers. Some benefits, such as those paid for certain good cause quits, are charged only to the separating employer.

Summary of Bill:

Good Cause Quit.

The good cause quit circumstance due to death, illness, or disability is modified to include the reason that care for a child or vulnerable adult in the claimant's care is inaccessible. In addition, the death, illness, or disability must be of a family member, not limited to an immediate family member. The condition that the claimant pursued all alternatives to preserve his or her employment status is changed to require that the claimant made reasonable efforts to preserve his or her employment status. Reasonable efforts means requesting changes in working conditions or work schedule, or a leave of absence, that would accommodate the death, illness, disability, or caregiving inaccessibility.

An alteration in the claimant's usual work shifts to make care for a child or vulnerable adult in the claimant's care inaccessible is added as a good cause quit.

Suitable Work.

The availability requirement is modified so that a claimant must be, for at least as many hours per week as the typical workweek hours, ready, able, and willing to accept any suitable work. The claimant's typical workweek hours and the availability of caregiving for a child or vulnerable adult in the claimant's care are added as factors in determining suitable work. "Typical workweek hours" is defined:

- for an hourly employee, as the average number of hours worked per week, but no more than 40 hours; and
- for a salaried employee, 40 hours, regardless of the hours typically worked.

The suitable work that a claimant must be willing to accept if offered is work offered with reasonable notice from the employer.

Benefit Charging.

Benefits for a claimant qualifying for a good cause quit due to a work shift alteration are charged only to the separating employer.

Other.

Part-time work provisions deleted.

The Commissioner of the Department must adopt rules to ensure that claimants remain attached to the labor force by seeking work in a substantial field of employment and are available for scheduling that is reasonably available in the claimant's local labor market and occupation.

Obsolete language is removed, language is updated, and a double amendment corrected. The provisions apply, generally, beginning April 5, 2020.

Appropriation: None.

Fiscal Note: Requested on January 22, 2019.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 5, 6, and 8 through 10, relating to suitable work, actively seeking

work, repeal of part-time work, and definitions of vulnerable adult and typical workweek hours, which takes effect April 5, 2020.