

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2509**

58th Legislature  
2004 Regular Session

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

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**Speaker of the House of Representatives**

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

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**President of the Senate**

Approved

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**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.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2509

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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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