
SUBSTITUTE SENATE BILL 6082

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Kohl-Welles and Keiser)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to unemployment insurance voluntary quit
2 provisions; amending RCW 50.20.050, 50.20.100, and 50.29.021; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the changes in
6 chapter 4, Laws of 2003 2nd sp. sess. to the voluntary quit portions of
7 the state's unemployment compensation laws have disproportionately
8 affected women. The legislature finds that the December 2006 report by
9 the employment security department on their review of unemployment
10 claims filed from July 1, 2004, through June 30, 2005, indicates that
11 the three categories of reasons why people who were denied benefits
12 left their jobs was due to factors such as reduction in hours or wages;
13 domestic or marital responsibilities; and illness or disability of the
14 claimant or an immediate family member. Of these categories, domestic
15 or marital responsibility showed the most significant disparity along
16 gender lines. The legislature finds that more than seventy-one percent
17 of all denials in this category were women. The legislature declares
18 that the previous changes to the voluntary quit provisions had an
19 unexpected gender impact and that this impact should be remedied.

1 **Sec. 2.** RCW 50.20.050 and 2006 c 13 s 2 are each amended to read
2 as follows:

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

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

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

15 (i) The duration of the work;

16 (ii) The extent of direction and control by the employer over the
17 work; and

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

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

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

24 (ii) The separation was because of the illness or disability of the
25 claimant or the death, illness, or disability of a member of the
26 claimant's immediate family if the claimant took all reasonable
27 precautions, in accordance with any regulations that the commissioner
28 may prescribe, to protect his or her employment status by having
29 promptly notified the employer of the reason for the absence and by
30 having promptly requested reemployment when again able to assume
31 employment(~~(:—PROVIDED, That)~~). These precautions need not have been
32 taken when they would have been a futile act, including those instances
33 when the futility of the act was a result of a recognized
34 labor/management dispatch system;

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

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

4 (c) In determining under this subsection whether an individual has
5 left work voluntarily without good cause, the commissioner shall only
6 consider work-connected factors such as the degree of risk involved to
7 the individual's health, safety, and morals, the individual's physical
8 fitness for the work, the individual's ability to perform the work, and
9 such other work connected factors as the commissioner may deem
10 pertinent, including state and national emergencies. Good cause shall
11 not be established for voluntarily leaving work because of its distance
12 from an individual's residence where the distance was known to the
13 individual at the time he or she accepted the employment and where, in
14 the judgment of the department, the distance is customarily traveled by
15 workers in the individual's job classification and labor market, nor
16 because of any other significant work factor which was generally known
17 and present at the time he or she accepted employment, unless the
18 related circumstances have so changed as to amount to a substantial
19 involuntary deterioration of the work factor or unless the commissioner
20 determines that other related circumstances would work an unreasonable
21 hardship on the individual were he or she required to continue in the
22 employment.

23 (d) Subsection (1)(a) and (c) of this section shall not apply to an
24 individual whose marital status or domestic responsibilities cause him
25 or her to leave employment. Such an individual shall not be eligible
26 for unemployment insurance benefits beginning with the first day of the
27 calendar week in which he or she left work and thereafter for seven
28 calendar weeks and until he or she has requalified, either by obtaining
29 bona fide work in employment covered by this title and earning wages in
30 that employment equal to seven times his or her weekly benefit amount
31 or by reporting in person to the department during ten different
32 calendar weeks and certifying on each occasion that he or she is ready,
33 able, and willing to immediately accept any suitable work which may be
34 offered, is actively seeking work pursuant to customary trade
35 practices, and is utilizing such employment counseling and placement
36 services as are available through the department. This subsection does
37 not apply to individuals covered by (b)(ii) or (iii) of this
38 subsection.

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

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

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

13 (i) The duration of the work;

14 (ii) The extent of direction and control by the employer over the
15 work; and

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

18 (b) An individual is not disqualified from benefits under (a) of
19 this subsection when:

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

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

25 (A) The claimant pursued all reasonable alternatives to preserve
26 his or her employment status by requesting a leave of absence, by
27 having promptly notified the employer of the reason for the absence,
28 and by having promptly requested reemployment when again able to assume
29 employment. These alternatives need not be pursued, however, when they
30 would have been a futile act, including those instances when the
31 futility of the act was a result of a recognized labor/management
32 dispatch system; and

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

36 (iii)(A) With respect to claims that have an effective date before
37 July 2, 2006, he or she: (I) Left work to relocate for the spouse's
38 employment that, due to a mandatory military transfer: (1) Is outside

1 the existing labor market area; and (2) is in Washington or another
2 state that, pursuant to statute, does not consider such an individual
3 to have left work voluntarily without good cause; and (II) remained
4 employed as long as was reasonable prior to the move;

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

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

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

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

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

21 (viii) The individual's worksite safety deteriorated, the
22 individual reported such safety deterioration to the employer, and the
23 employer failed to correct the hazards within a reasonable period of
24 time;

25 (ix) The individual left work because of illegal activities in the
26 individual's worksite, the individual reported such activities to the
27 employer, and the employer failed to end such activities within a
28 reasonable period of time; or

29 (x) The individual's usual work was changed to work that violates
30 the individual's religious convictions or sincere moral beliefs.

31 (3) With respect to claims that have an effective date after
32 January 4, 2008:

33 (a) An individual is disqualified from benefits beginning with the
34 first day of the calendar week in which he or she has left work
35 voluntarily without good cause and thereafter for seven calendar weeks
36 and until he or she has obtained bona fide work in employment covered
37 by this title and earned wages in that employment equal to seven times
38 his or her weekly benefit amount.

1 The disqualification continues if the work obtained is a mere sham
2 to qualify for benefits and is not bona fide work. In determining
3 whether work is of a bona fide nature, the commissioner shall consider
4 factors including but not limited to the following:

5 (i) The duration of the work;

6 (ii) The extent of direction and control by the employer over the
7 work; and

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

10 (b) An individual is considered to have left work voluntarily and
11 with good cause when:

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

14 (ii) He or she left work because of an undue family hardship. An
15 undue family hardship occurs when:

16 (A) The separation was because of the illness or disability of the
17 claimant or the death, illness, or disability of a member of the
18 claimant's immediate family; or

19 (B) The separation was due to the individual's inability to obtain
20 child care for a minor child who is in the legally recognized custody
21 of the individual or due to elder care for an aged parent of the
22 individual. The claimant must take all reasonable precautions, in
23 accordance with any regulations that the commissioner may prescribe, to
24 protect his or her employment status by having promptly notified the
25 employer of the reason for the absence and by having promptly requested
26 reemployment when again able to assume employment. These precautions
27 need not have been taken when they would have been a futile act,
28 including those instances when the futility of the act was a result of
29 a recognized labor/management dispatch system;

30 (iii) He or she left work for reasons attributable to the employer,
31 including leaving as a result of changes in conditions created by the
32 individual's employer;

33 (iv) He or she left work to accompany his or her spouse or domestic
34 partner to a place from which it is impractical to commute to the
35 employment. For purposes of this section, "spouse" includes a person
36 to whom marriage is imminent;

37 (v) The separation was necessary to protect the claimant or the

1 claimant's immediate family members from domestic violence, as defined
2 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110; or

3 (vi) He or she left work after making a good faith complaint about
4 violations of civil or criminal law to the employer or other competent
5 authorities, and the complaint was not corrected after a reasonable
6 period of time.

7 (c) In determining under this subsection whether an individual has
8 left work voluntarily without good cause, the commissioner shall
9 consider the following factors, including the factors listed in (b)(i)
10 through (v) of this subsection, such as the degree of risk involved to
11 the individual's health, safety, and morals, the individual's physical
12 fitness for the work, the individual's ability to perform the work, and
13 such other factors as the commissioner may deem pertinent, including
14 state and national emergencies.

15 (i) Good cause is not established for voluntarily leaving work
16 because of its distance from an individual's residence when the
17 distance was known to the individual at the time he or she accepted the
18 employment and when, in the judgment of the department, the distance is
19 customarily traveled by workers in the individual's job classification
20 and labor market.

21 (ii) Good cause is not established because of any other significant
22 work factor which was generally known and present at the time he or she
23 accepted employment, unless the related circumstances have so changed
24 as to amount to a substantial involuntary deterioration of the work
25 factor or unless the commissioner determines that other related
26 circumstances would work an unreasonable hardship on the individual
27 were he or she required to continue in the employment.

28 **Sec. 3.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to read
29 as follows:

30 (1) Suitable work for an individual is employment in an occupation
31 in keeping with the individual's prior work experience, education, or
32 training and if the individual has no prior work experience, special
33 education, or training for employment available in the general area,
34 then employment which the individual would have the physical and mental
35 ability to perform. In determining whether work is suitable for an
36 individual, the commissioner shall also consider the degree of risk
37 involved to the individual's health, safety, and morals, the

1 individual's physical fitness, the individual's length of unemployment
2 and prospects for securing local work in the individual's customary
3 occupation, the distance of the available work from the individual's
4 residence, whether an individual would have good cause under RCW
5 50.20.050 for leaving work under similar circumstances, and such other
6 factors as the commissioner may deem pertinent, including state and
7 national emergencies.

8 (2) For individuals with base year work experience in agricultural
9 labor, any agricultural labor available from any employer shall be
10 deemed suitable unless it meets conditions in RCW 50.20.110 or the
11 commissioner finds elements of specific work opportunity unsuitable for
12 a particular individual.

13 (3) For part-time workers as defined in RCW 50.20.119, suitable
14 work includes suitable work under subsection (1) of this section that
15 is for seventeen or fewer hours per week.

16 (4) For individuals who have qualified for unemployment
17 compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as
18 applicable, an evaluation of the suitability of the work must consider
19 the individual's need to address the physical, psychological, legal,
20 and other effects of domestic violence or stalking.

21 **Sec. 4.** RCW 50.29.021 and 2006 c 13 s 6 are each amended to read
22 as follows:

23 (1) This section applies to benefits charged to the experience
24 rating accounts of employers for claims that have an effective date on
25 or after January 4, 2004.

26 (2)(a) An experience rating account shall be established and
27 maintained for each employer, except employers as described in RCW
28 50.44.010 and 50.44.030 who have properly elected to make payments in
29 lieu of contributions, taxable local government employers as described
30 in RCW 50.44.035, and those employers who are required to make payments
31 in lieu of contributions, based on existing records of the employment
32 security department.

33 (b) Benefits paid to an eligible individual shall be charged to the
34 experience rating accounts of each of such individual's employers
35 during the individual's base year in the same ratio that the wages paid
36 by each employer to the individual during the base year bear to the

1 wages paid by all employers to that individual during that base year,
2 except as otherwise provided in this section.

3 (c) When the eligible individual's separating employer is a covered
4 contribution paying base year employer, benefits paid to the eligible
5 individual shall be charged to the experience rating account of only
6 the individual's separating employer if the individual qualifies for
7 benefits under:

8 (i) RCW 50.20.050 (2)(b)(i) or (3)(b)(i), as applicable, and became
9 unemployed after having worked and earned wages in the bona fide work;
10 or

11 (ii) RCW 50.20.050 (2)(b)(v) through (x) or (3)(b)(iii) and (vi).

12 (3) The legislature finds that certain benefit payments, in whole
13 or in part, should not be charged to the experience rating accounts of
14 employers except those employers described in RCW 50.44.010 and
15 50.44.030 who have properly elected to make payments in lieu of
16 contributions, taxable local government employers described in RCW
17 50.44.035, and those employers who are required to make payments in
18 lieu of contributions, as follows:

19 (a) Benefits paid to any individual later determined to be
20 ineligible shall not be charged to the experience rating account of any
21 contribution paying employer.

22 (b) Benefits paid to an individual filing under the provisions of
23 chapter 50.06 RCW shall not be charged to the experience rating account
24 of any contribution paying employer only if:

25 (i) The individual files under RCW 50.06.020(1) after receiving
26 crime victims' compensation for a disability resulting from a nonwork-
27 related occurrence; or

28 (ii) The individual files under RCW 50.06.020(2).

29 (c) Benefits paid which represent the state's share of benefits
30 payable as extended benefits defined under RCW 50.22.010(6) shall not
31 be charged to the experience rating account of any contribution paying
32 employer.

33 (d) In the case of individuals who requalify for benefits under RCW
34 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
35 the disqualifying separation shall not be charged to the experience
36 rating account of the contribution paying employer from whom that
37 separation took place.

1 (e) Individuals who qualify for benefits under RCW 50.20.050
2 (2)(b)(iv) or (3)(b)(vi), as applicable, shall not have their benefits
3 charged to the experience rating account of any contribution paying
4 employer.

5 (f) With respect to claims with an effective date on or after the
6 first Sunday following April 22, 2005, benefits paid that exceed the
7 benefits that would have been paid if the weekly benefit amount for the
8 claim had been determined as one percent of the total wages paid in the
9 individual's base year shall not be charged to the experience rating
10 account of any contribution paying employer.

11 (4)(a) A contribution paying base year employer, not otherwise
12 eligible for relief of charges for benefits under this section, may
13 receive such relief if the benefit charges result from payment to an
14 individual who:

15 (i) Last left the employ of such employer voluntarily for reasons
16 not attributable to the employer;

17 (ii) Was discharged for misconduct or gross misconduct connected
18 with his or her work not a result of inability to meet the minimum job
19 requirements;

20 (iii) Is unemployed as a result of closure or severe curtailment of
21 operation at the employer's plant, building, worksite, or other
22 facility. This closure must be for reasons directly attributable to a
23 catastrophic occurrence such as fire, flood, or other natural disaster;
24 or

25 (iv) Continues to be employed on a regularly scheduled permanent
26 part-time basis by a base year employer and who at some time during the
27 base year was concurrently employed and subsequently separated from at
28 least one other base year employer. Benefit charge relief ceases when
29 the employment relationship between the employer requesting relief and
30 the claimant is terminated. This subsection does not apply to shared
31 work employers under chapter 50.60 RCW.

32 (b) The employer requesting relief of charges under this subsection
33 must request relief in writing within thirty days following mailing to
34 the last known address of the notification of the valid initial
35 determination of such claim, stating the date and reason for the
36 separation or the circumstances of continued employment. The

1 commissioner, upon investigation of the request, shall determine
2 whether relief should be granted.

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