
HOUSE BILL 2987

State of Washington

65th Legislature

2018 Regular Session

By Representative Gregerson

Read first time 02/06/18. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to making unemployment benefits accessible to
2 persons with family responsibilities and other availability issues
3 and making clarifying changes; amending RCW 50.20.010, 50.20.080,
4 50.20.100, 50.20.240, 50.29.021, and 50.20.119; reenacting and
5 amending RCW 50.20.050; adding a new section to chapter 50.04 RCW;
6 creating new sections; and repealing RCW 50.29.020.

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

8 **Sec. 1.** RCW 50.20.010 and 2006 c 13 s 10 are each amended to
9 read as follows:

10 (1) An unemployed (~~individual~~) claimant shall be eligible to
11 receive waiting period credits or benefits with respect to any week
12 in (~~his or her~~) the claimant's eligibility period (~~only~~) if (~~the~~
13 ~~commissioner finds that~~):

14 (a) (~~He or she~~) The claimant has registered for work at, and
15 thereafter has continued to report at, an employment office in
16 accordance with such regulation as the commissioner may prescribe,
17 except that the commissioner may by regulation waive or alter either
18 or both of the requirements of this (~~subdivision~~) subsection as to
19 (~~individuals~~) claimants attached to regular jobs and as to such
20 other types of cases or situations with respect to which the
21 commissioner finds that the compliance with such requirements would

1 be oppressive, or would be inconsistent with the purposes of this
2 title;

3 (b) (~~He or she~~) The claimant has filed an application for an
4 initial determination and made a claim for waiting period credit or
5 for benefits in accordance with the provisions of this title;

6 (c) (~~He or she~~) The claimant is able to work, and is available
7 (~~for~~) to accept suitable work (~~in any trade, occupation,~~
8 ~~profession, or business for which he or she is reasonably fitted.~~

9 (~~i~~) ~~With respect to claims that have an effective date before~~
10 ~~January 4, 2004, to be available for work an individual must be~~
11 ~~ready, able, and willing, immediately to accept any suitable work~~
12 ~~which may be offered to him or her and must be actively seeking work~~
13 ~~pursuant to customary trade practices and through other methods when~~
14 ~~so directed by the commissioner or the commissioner's agents.~~

15 (~~ii~~) ~~With respect to claims that have an effective date on or~~
16 ~~after January 4, 2004,) as defined in RCW 50.20.100. To be available~~
17 ~~for work ((an individual)) a claimant must be ready, able, and~~
18 ~~willing((, immediately)) to accept any suitable work which may be~~
19 ~~offered ((to him or her)) with reasonable notice from the employer~~
20 ~~and must be actively seeking work pursuant to customary trade~~
21 ~~practices and through other methods when so directed by the~~
22 ~~commissioner or the commissioner's agents. If a labor agreement or~~
23 ~~dispatch rules apply, customary trade practices must be in accordance~~
24 ~~with the applicable agreement or rules;~~

25 (d) (~~He or she~~) The claimant has been unemployed for a waiting
26 period of one week;

27 (e) (~~He or she~~) The claimant participates in reemployment
28 services if the ((~~individual~~)) claimant has been referred to
29 reemployment services pursuant to the profiling system established by
30 the commissioner under RCW 50.20.011, unless the commissioner
31 determines that:

32 (i) The ((~~individual~~)) claimant has completed such services; or

33 (ii) There is justifiable cause for the claimant's failure to
34 participate in such services; and

35 (f) (~~As to weeks beginning after March 31, 1981, which~~) For
36 weeks that fall within an extended benefit period as defined in RCW
37 50.22.010, the ((~~individual~~)) claimant meets the terms and conditions
38 of RCW 50.22.020 with respect to benefits claimed in excess of
39 twenty-six times the ((~~individual's~~)) claimant's weekly benefit
40 amount.

1 (2) ~~((An individual's))~~ A claimant's eligibility period for
2 regular benefits shall be coincident to his or her established
3 benefit year. ~~((An individual's))~~ A claimant's eligibility period for
4 additional or extended benefits shall be the periods prescribed
5 elsewhere in this title for such benefits.

6 **Sec. 2.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1 are
7 each reenacted and amended to read as follows:

8 (1) ~~((With respect to claims that have an effective date on or
9 after January 4, 2004, and for separations that occur before
10 September 6, 2009:~~

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

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

21 ~~(i) The duration of the work;~~

22 ~~(ii) The extent of direction and control by the employer over the
23 work; and~~

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

26 ~~(b) An individual is not disqualified from benefits under (a) of
27 this subsection when:~~

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

30 ~~(ii) The separation was necessary because of the illness or
31 disability of the claimant or the death, illness, or disability of a
32 member of the claimant's immediate family if:~~

33 ~~(A) The claimant pursued all reasonable alternatives to preserve
34 his or her employment status by requesting a leave of absence, by
35 having promptly notified the employer of the reason for the absence,
36 and by having promptly requested reemployment when again able to
37 assume employment. These alternatives need not be pursued, however,
38 when they would have been a futile act, including those instances~~

1 ~~when the futility of the act was a result of a recognized labor/~~
2 ~~management dispatch system; and~~

3 ~~(B) The claimant terminated his or her employment status, and is~~
4 ~~not entitled to be reinstated to the same position or a comparable or~~
5 ~~similar position;~~

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

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

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

21 ~~(v) The individual's usual compensation was reduced by twenty-~~
22 ~~five percent or more;~~

23 ~~(vi) The individual's usual hours were reduced by twenty-five~~
24 ~~percent or more;~~

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

29 ~~(viii) The individual's worksite safety deteriorated, the~~
30 ~~individual reported such safety deterioration to the employer, and~~
31 ~~the employer failed to correct the hazards within a reasonable period~~
32 ~~of time;~~

33 ~~(ix) The individual left work because of illegal activities in~~
34 ~~the individual's worksite, the individual reported such activities to~~
35 ~~the employer, and the employer failed to end such activities within a~~
36 ~~reasonable period of time;~~

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

39 ~~(xi) The individual left work to enter an apprenticeship program~~
40 ~~approved by the Washington state apprenticeship training council.~~

1 Benefits are payable beginning Sunday of the week prior to the week
2 in which the individual begins active participation in the
3 apprenticeship program.

4 ~~(2) With respect to separations that occur on or after September~~
5 ~~6, 2009:~~

6 ~~(a) An individual))~~ A claimant shall be disqualified from
7 benefits beginning with the first day of the calendar week in which
8 ~~((he or she has))~~ the claimant left work voluntarily without good
9 cause and thereafter for seven calendar weeks and until ~~((he or she~~
10 ~~has obtained))~~ the claimant obtains bona fide work in employment
11 covered by this title and earned wages in that employment equal to
12 seven times his or her weekly benefit amount. Good cause reasons to
13 leave work are limited to reasons listed in ~~((b) of this))~~
14 subsection (2) of this section.

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

19 ~~((i))~~ (a) The duration of the work;

20 ~~((ii))~~ (b) The extent of direction and control by the employer
21 over the work; and

22 ~~((iii))~~ (c) The level of skill required for the work in light
23 of the ~~((individual's))~~ claimant's training and experience.

24 ~~((b) An individual))~~ (2) A claimant has good cause and is not
25 disqualified from benefits under ~~((a) of this))~~ subsection (1) of
26 this section only under the following circumstances:

27 ~~((i) He or she has))~~ (a) The claimant left work to accept a bona
28 fide offer of bona fide work as described in ~~((a) of this))~~
29 subsection (1) of this section;

30 ~~((ii))~~ (b) The separation was necessary because of the illness
31 or disability of the claimant or the death, illness, or disability of
32 ~~((a member of the claimant's immediate family if))~~ a family member,
33 or because care for a child or a vulnerable adult in the claimant's
34 care is inaccessible, so long as:

35 ~~((A))~~ (i) The claimant ~~((pursued all))~~ made reasonable
36 ~~((alternatives))~~ efforts to preserve his or her employment status by
37 requesting a leave of absence or changes in working conditions or
38 work schedule that would accommodate the death, illness, disability,
39 or caregiving inaccessibility, by having promptly notified the
40 employer of the reason for the absence, and by having promptly

1 requested reemployment when again able to assume employment. These
2 alternatives need not be pursued, however, when they would have been
3 a futile act, including those instances when the futility of the act
4 was a result of a recognized labor/management dispatch system; and

5 ~~((B))~~ (ii) The claimant terminated his or her employment
6 status, and is not entitled to be reinstated to the same position or
7 a comparable or similar position;

8 ~~((iii))~~ (c) The claimant: ~~((A))~~ (i) Left work to relocate for
9 the employment of a spouse or domestic partner that is outside the
10 existing labor market area; and ~~((B))~~ (ii) remained employed as
11 long as was reasonable prior to the move;

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

15 ~~((v))~~ (e) The ~~((individual's))~~ claimant's usual compensation
16 was reduced by twenty-five percent or more;

17 ~~((vi))~~ (f) The ~~((individual's))~~ claimant's usual hours were
18 reduced by twenty-five percent or more;

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

24 ~~((viii))~~ (h) The ~~((individual's))~~ claimant's worksite safety
25 deteriorated, the ~~((individual))~~ claimant reported such safety
26 deterioration to the employer, and the employer failed to correct the
27 hazards within a reasonable period of time;

28 ~~((ix))~~ (i) The ~~((individual))~~ claimant left work because of
29 illegal activities in the ~~((individual's))~~ claimant's worksite, the
30 ~~((individual))~~ claimant reported such activities to the employer, and
31 the employer failed to end such activities within a reasonable period
32 of time;

33 ~~((x))~~ (j) The ~~((individual's))~~ claimant's usual work was
34 changed to work that violates the ~~((individual's))~~ claimant's
35 religious convictions or sincere moral beliefs; ~~((or~~

36 ~~((xi))~~ (k) The ~~((individual))~~ claimant left work to enter an
37 apprenticeship program approved by the Washington state
38 apprenticeship training council. Benefits are payable beginning
39 Sunday of the week prior to the week in which the ~~((individual))~~

1 claimant begins active participation in the apprenticeship program;
2 or

3 (1) The claimant's usual work shifts were altered so as to make
4 care for a child or a vulnerable adult in the claimant's care
5 inaccessible.

6 (3) Notwithstanding ~~((subsection))~~ subsections (1) and (2) of
7 this section, ~~((for separations occurring on or after July 26, 2009,~~
8 ~~an individual))~~ a claimant who was simultaneously employed in full-
9 time employment and part-time employment and is otherwise eligible
10 for benefits from the loss of the full-time employment shall not be
11 disqualified from benefits because the ~~((individual))~~ claimant:

12 (a) Voluntarily quit the part-time employment before the loss of
13 the full-time employment; and

14 (b) Did not have prior knowledge that he or she would be
15 separated from full-time employment.

16 **Sec. 3.** RCW 50.20.080 and 2000 c 2 s 14 are each amended to read
17 as follows:

18 ~~((An individual))~~ A claimant is disqualified for benefits, if the
19 commissioner finds that the ~~((individual))~~ claimant has failed
20 without good cause, either to apply for available, suitable work, as
21 defined in RCW 50.20.100, when so directed by the employment office
22 or the commissioner, or to accept suitable work when offered to the
23 ~~((individual))~~ claimant, or to return to ~~((his or her))~~ the
24 claimant's customary self-employment (if any) when so directed by the
25 commissioner. Such disqualification shall begin with the week of the
26 refusal and thereafter for seven calendar weeks and continue until
27 the ~~((individual))~~ claimant has obtained bona fide work in employment
28 covered by this title and earned wages in that employment of not less
29 than seven times ~~((his or her))~~ the claimant's suspended weekly
30 benefit amount.

31 **Sec. 4.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to
32 read as follows:

33 (1) Suitable work for ~~((an individual))~~ a claimant is employment
34 in an occupation in keeping with the ~~((individual's))~~ claimant's
35 prior work experience, education, or training and if the
36 ~~((individual))~~ claimant has no prior work experience, special
37 education, or training for employment available in the general area,
38 then employment which the ~~((individual))~~ claimant would have the

1 physical and mental ability to perform. In determining whether work
2 is suitable for ~~((an individual))~~ a claimant, the commissioner shall
3 also consider the degree of risk involved to the ~~((individual's))~~
4 claimant's health, safety, and morals, the ~~((individual's))~~
5 claimant's physical fitness, the ~~((individual's))~~ claimant's
6 customary work shifts, length of unemployment, and prospects for
7 securing local work in the ~~((individual's))~~ claimant's customary
8 occupation, the distance of the available work from the
9 ~~((individual's))~~ claimant's residence, availability of caregiving for
10 a child or vulnerable adult in the claimant's care, and such other
11 factors as the commissioner may deem pertinent, including state and
12 national emergencies.

13 (2) For ~~((individuals))~~ claimants with base year work experience
14 in agricultural labor, any agricultural labor available from any
15 employer shall be deemed suitable unless it meets conditions in RCW
16 50.20.110 or the commissioner finds elements of specific work
17 opportunity unsuitable for a particular ~~((individual))~~ claimant.

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

21 (4) For ~~((individuals))~~ claimants who have qualified for
22 unemployment compensation benefits under RCW 50.20.050 ~~((+1)(b)(iv)~~
23 ~~er—(2)(b)(iv))~~ (2)(d), as applicable, an evaluation of the
24 suitability of the work must consider the ~~((individual's))~~ claimant's
25 need to address the physical, psychological, legal, and other effects
26 of domestic violence or stalking.

27 **Sec. 5.** RCW 50.20.240 and 2006 c 13 s 16 are each amended to
28 read as follows:

29 (1)(a) To ensure that following the initial application for
30 benefits, ~~((an individual))~~ a claimant is actively engaged in
31 searching for work, the employment security department shall
32 implement a job search monitoring program. ~~((Effective January 4,~~
33 ~~2004,))~~ The department shall contract with employment security
34 agencies in other states to ensure that ~~((individuals))~~ claimants
35 residing in those states and receiving benefits under this title are
36 actively engaged in searching for work in accordance with the
37 requirements of this section. The department may use interactive
38 voice technology and other electronic means to ensure that
39 ~~((individuals))~~ claimants are subject to comparable job search

1 monitoring, regardless of whether they reside in Washington or
2 elsewhere.

3 (b) Except for those (~~individuals~~) claimants with employer
4 attachment or union referral, (~~individuals~~) claimants who qualify
5 for unemployment compensation under RCW 50.20.050 (~~(1)(b)(iv) or~~
6 ~~(2)(b)(iv)~~) (2)(d), as applicable, and (~~individuals~~) claimants in
7 commissioner-approved training, (~~an individual~~) a claimant who has
8 received five or more weeks of benefits under this title, regardless
9 of whether the (~~individual~~) claimant resides in Washington or
10 elsewhere, must provide evidence of seeking work, as directed by the
11 commissioner or the commissioner's agents, for each week beyond five
12 in which a claim is filed. (~~With regard to claims with an effective~~
13 ~~date before January 4, 2004, the evidence must demonstrate contacts~~
14 ~~with at least three employers per week or documented in-person job~~
15 ~~search activity at the local reemployment center. With regard to~~
16 ~~claims with an effective date on or after January 4, 2004,)) The
17 evidence must demonstrate contacts with at least three employers per
18 week or documented in-person job search activities at the local
19 reemployment center at least three times per week.~~

20 (c) In developing the requirements for the job search monitoring
21 program, the commissioner or the commissioner's agents shall utilize
22 an existing advisory committee having equal representation of
23 employers and workers.

24 (2) (~~Effective January 4, 2004, an individual~~) A claimant who
25 fails to comply fully with the requirements for actively seeking work
26 under RCW 50.20.010 shall lose all benefits for all weeks during
27 which the (~~individual~~) claimant was not in compliance, and the
28 (~~individual~~) claimant shall be liable for repayment of all such
29 benefits under RCW 50.20.190.

30 **Sec. 6.** RCW 50.29.021 and 2017 3rd sp.s. c 5 s 83 are each
31 amended to read as follows:

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

35 ~~(2))~~(a) An experience rating account shall be established and
36 maintained for each employer, except employers as described in RCW
37 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
38 payments in lieu of contributions, taxable local government employers
39 as described in RCW 50.44.035, and those employers who are required

1 to make payments in lieu of contributions, based on existing records
2 of the employment security department.

3 (b) Benefits paid to an eligible (~~(individual)~~) claimant shall be
4 charged to the experience rating accounts of each of such
5 (~~(individual's)~~) claimant's employers during the (~~(individual's)~~)
6 claimant's base year in the same ratio that the wages paid by each
7 employer to the (~~(individual)~~) claimant during the base year bear to
8 the wages paid by all employers to that (~~(individual)~~) claimant
9 during that base year, except as otherwise provided in this section.

10 (c) When the eligible (~~(individual's)~~) claimant's separating
11 employer is a covered contribution paying base year employer,
12 benefits paid to the eligible (~~(individual)~~) claimant shall be
13 charged to the experience rating account of only the individual's
14 separating employer if the (~~(individual)~~) claimant qualifies for
15 benefits under:

16 (i) RCW 50.20.050 (~~((1)(b)(i) or (2)(b)(i))~~) (2)(a), as
17 applicable, and became unemployed after having worked and earned
18 wages in the bona fide work; (~~(or)~~)

19 (ii) RCW 50.20.050(2)(l); or

20 (~~(iii)~~) RCW 50.20.050 (~~((1)(b) (v) through (x) or (2)(b) (v)~~
21 through (x)) (2) (e) through (j).

22 (~~((3))~~) (2) The legislature finds that certain benefit payments,
23 in whole or in part, should not be charged to the experience rating
24 accounts of employers except those employers described in RCW
25 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
26 payments in lieu of contributions, taxable local government employers
27 described in RCW 50.44.035, and those employers who are required to
28 make payments in lieu of contributions, as follows:

29 (a) Benefits paid to any (~~(individual)~~) claimant later determined
30 to be ineligible shall not be charged to the experience rating
31 account of any contribution paying employer, except as provided in
32 subsection (~~((5))~~) (4) of this section.

33 (b) Benefits paid to (~~(an individual)~~) a claimant filing under
34 the provisions of chapter 50.06 RCW shall not be charged to the
35 experience rating account of any contribution paying employer only
36 if:

37 (i) The (~~(individual)~~) claimant files under RCW 50.06.020(1)
38 after receiving crime victims' compensation for a disability
39 resulting from a nonwork-related occurrence; or

40 (ii) The (~~(individual)~~) claimant files under RCW 50.06.020(2).

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

5 (d) In the case of (~~individuals~~) claimants who requalify for
6 benefits under RCW 50.20.050 or 50.20.060, benefits based on wage
7 credits earned prior to the disqualifying separation shall not be
8 charged to the experience rating account of the contribution paying
9 employer from whom that separation took place.

10 (e) Benefits paid to (~~an individual~~) a claimant who qualifies
11 for benefits under RCW 50.20.050 (~~(1)(b) (iv) or (xi) or (2)(b) (iv)~~
12 ~~or (xi)) (2) (d) or (k)~~, as applicable, shall not be charged to the
13 experience rating account of any contribution paying employer.

14 (~~(f) (With respect to claims with an effective date on or after~~
15 ~~the first Sunday following April 22, 2005, benefits paid that exceed~~
16 ~~the benefits that would have been paid if the weekly benefit amount~~
17 ~~for the claim had been determined as one percent of the total wages~~
18 ~~paid in the individual's base year shall not be charged to the~~
19 ~~experience rating account of any contribution paying employer. This~~
20 ~~subsection (3)(f) does not apply to the calculation of contribution~~
21 ~~rates under RCW 50.29.025 for rate year 2010 and thereafter.~~

22 (~~g~~) The forty-five dollar increase paid as part of (~~an~~
23 ~~individual's~~) a claimant's weekly benefit amount as provided in RCW
24 50.20.1201 and the twenty-five dollar increase paid as part of (~~an~~
25 ~~individual's~~) a claimant's weekly benefit amount as provided in RCW
26 50.20.1202 shall not be charged to the experience rating account of
27 any contribution paying employer.

28 (~~(h)~~) (g) With respect to claims where the minimum amount
29 payable weekly is increased to one hundred fifty-five dollars
30 pursuant to RCW 50.20.1201(3), benefits paid that exceed the benefits
31 that would have been paid if the minimum amount payable weekly had
32 been calculated pursuant to RCW 50.20.120 shall not be charged to the
33 experience rating account of any contribution paying employer.

34 (~~(i)~~) (h) Upon approval of (~~an individual's~~) a claimant's
35 training benefits plan submitted in accordance with RCW 50.22.155(2),
36 (~~an individual~~) a claimant is considered enrolled in training, and
37 regular benefits beginning with the week of approval shall not be
38 charged to the experience rating account of any contribution paying
39 employer.

1 (~~(j)~~) (i) Training benefits paid to (~~(an individual)~~) a
2 claimant under RCW 50.22.155 shall not be charged to the experience
3 rating account of any contribution paying employer.

4 (~~(4)~~) (3)(a) A contribution paying base year employer, except
5 employers as provided in subsection (~~(6)~~) (5) of this section, not
6 otherwise eligible for relief of charges for benefits under this
7 section, may receive such relief if the benefit charges result from
8 payment to (~~(an individual)~~) a claimant who:

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

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

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

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

26 (v) Continues to be employed on a regularly scheduled permanent
27 part-time basis by a base year employer and who qualified for two
28 consecutive unemployment claims where wages were attributable to at
29 least one employer who employed the (~~(individual)~~) claimant in both
30 base years. Benefit charge relief ceases when the employment
31 relationship between the employer requesting relief and the claimant
32 is terminated. This subsection does not apply to shared work
33 employers under chapter 50.60 RCW;

34 (vi) Was hired to replace an employee who is a member of the
35 military reserves or National Guard and was called to federal active
36 military service by the president of the United States and is
37 subsequently laid off when that employee is reemployed by their
38 employer upon release from active duty within the time provided for
39 reemployment in RCW 73.16.035; or

1 (vii) Worked for an employer for twenty weeks or less, and was
2 laid off at the end of temporary employment when that employee
3 temporarily replaced a permanent employee receiving family or medical
4 leave benefits under this chapter, and the layoff is due to the
5 return of that permanent employee. This subsection ~~((+4))~~ (3)
6 (a)(vii) applies to claims with an effective date on or after January
7 1, 2020.

8 (b) The employer requesting relief of charges under this
9 subsection must request relief in writing within thirty days
10 following mailing to the last known address of the notification of
11 the valid initial determination of such claim, stating the date and
12 reason for the separation or the circumstances of continued
13 employment. The commissioner, upon investigation of the request,
14 shall determine whether relief should be granted.

15 ~~((+5))~~ (4) When a benefit claim becomes invalid due to an
16 amendment or adjustment of a report where the employer failed to
17 report or inaccurately reported hours worked or remuneration paid, or
18 both, all benefits paid will be charged to the experience rating
19 account of the contribution paying employer or employers that
20 originally filed the incomplete or inaccurate report or reports. An
21 employer who reimburses the trust fund for benefits paid to workers
22 and who fails to report or inaccurately reported hours worked or
23 remuneration paid, or both, shall reimburse the trust fund for all
24 benefits paid that are based on the originally filed incomplete or
25 inaccurate report or reports.

26 ~~((+6))~~ (5) An employer's experience rating account may not be
27 relieved of charges for a benefit payment and an employer who
28 reimburses the trust fund for benefit payments may not be credited
29 for a benefit payment if a benefit payment was made because the
30 employer or employer's agent failed to respond timely or adequately
31 to a written request of the department for information relating to
32 the claim or claims without establishing good cause for the failure
33 and the employer or employer's agent has a pattern of such failures.
34 The commissioner has the authority to determine whether the employer
35 has good cause under this subsection.

36 (a) For the purposes of this subsection, "adequately" means
37 providing accurate information of sufficient quantity and quality
38 that would allow a reasonable person to determine eligibility for
39 benefits.

1 (b)(i) For the purposes of this subsection, "pattern" means a
2 benefit payment was made because the employer or employer's agent
3 failed to respond timely or adequately to a written request of the
4 department for information relating to a claim or claims without
5 establishing good cause for the failure, if the greater of the
6 following calculations for an employer is met:

7 (A) At least three times in the previous two years; or

8 (B) Twenty percent of the total current claims against the
9 employer.

10 (ii) If an employer's agent is utilized, a pattern is established
11 based on each individual client employer that the employer's agent
12 represents.

13 **Sec. 7.** RCW 50.20.119 and 2006 c 13 s 15 are each amended to
14 read as follows:

15 (1) (~~With respect to claims that have an effective date on or~~
16 ~~after January 2, 2005,~~) An otherwise eligible ((individual))
17 claimant may not be denied benefits for any week because the
18 ((individual)) claimant is a part-time worker and is available for,
19 seeks, applies for, or accepts only (~~work of seventeen or fewer~~
20 ~~hours per week~~) part-time work by reason of the application of RCW
21 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability
22 for work and active search for work, or failure to apply for or
23 refusal to accept suitable work.

24 (2) For purposes of this section, "part-time worker" means ((an
25 individual)) a claimant who(~~(a) Earned wages in "employment" in at~~
26 ~~least forty weeks in the individual's base year; and (b) did not earn~~
27 ~~wages in "employment" in more than seventeen hours per week in any~~
28 ~~weeks in the individual's base year~~) remains attached to the labor
29 force by seeking part-time work in a substantial field of employment,
30 with scheduling that is reasonably available in the claimant's local
31 labor market.

32 NEW SECTION. **Sec. 8.** RCW 50.29.020 (Experience rating accounts—
33 Benefits not charged—Claims with an effective date before January 4,
34 2004) and 2004 c 110 s 3 & 2003 2nd sp.s. c 4 s 20 are each repealed.

35 NEW SECTION. **Sec. 9.** A new section is added to chapter 50.04
36 RCW to read as follows:

37 "Vulnerable adult" has the meaning given in RCW 74.34.020.

1 NEW SECTION. **Sec. 10.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state, the conflicting part of
4 this act is inoperative solely to the extent of the conflict and with
5 respect to the agencies directly affected, and this finding does not
6 affect the operation of the remainder of this act in its application
7 to the agencies concerned. Rules adopted under this act must meet
8 federal requirements that are a necessary condition to the receipt of
9 federal funds by the state.

10 NEW SECTION. **Sec. 11.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 12.** Sections 1 through 3 and 5 through 8 of
15 this act apply to claims with an effective date on or after October
16 7, 2018.

17 NEW SECTION. **Sec. 13.** Section 4 of this act applies to claimed
18 weeks of unemployment on or after October 7, 2018.

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