

SSB 5064 - S AMD 85  
By Senator Saldaña

NOT CONSIDERED 04/26/2021

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 50.04  
4 RCW to read as follows:

5 "Vulnerable adult" has the same meaning as in RCW 74.34.020.

6 **Sec. 2.** RCW 50.20.010 and 2021 c 2 s 8 are each amended to read  
7 as follows:

8 (1) An unemployed individual shall be eligible to receive waiting  
9 period credits or benefits with respect to any week in his or her  
10 eligibility period only if the commissioner finds that:

11 (a) The individual has registered for work at, and thereafter has  
12 continued to report at, an employment office in accordance with such  
13 regulation as the commissioner may prescribe, except that the  
14 commissioner may by regulation waive or alter either or both of the  
15 requirements of this subdivision as to individuals attached to  
16 regular jobs and as to such other types of cases or situations with  
17 respect to which the commissioner finds that the compliance with such  
18 requirements would be oppressive, or would be inconsistent with the  
19 purposes of this title;

20 (b) The individual has filed an application for an initial  
21 determination and made a claim for waiting period credit or for  
22 benefits in accordance with the provisions of this title;

23 (c) The individual is able to work, and is available for work in  
24 any trade, occupation, profession, or business for which the  
25 individual is reasonably fitted.

26 (i) To be available for work, an individual must be ready, able,  
27 and willing, immediately to accept any suitable work which may be  
28 offered to him or her and must be actively seeking work pursuant to  
29 customary trade practices and through other methods when so directed  
30 by the commissioner or the commissioner's agents. If a labor

1 agreement or dispatch rules apply, customary trade practices must be  
2 in accordance with the applicable agreement or rules.

3 (ii) Until June 30, 2021, an individual under quarantine or  
4 isolation, as defined by the department of health, as directed by a  
5 public health official during the novel coronavirus outbreak pursuant  
6 to the gubernatorial declaration of emergency of February 29, 2020,  
7 will meet the requirements of this subsection (1)(c) if the  
8 individual is able to perform, available to perform, and actively  
9 seeking work which can be performed while under quarantine or  
10 isolation.

11 (iii) For the purposes of this subsection, "customary trade  
12 practices" includes compliance with an electrical apprenticeship  
13 training program that includes a recognized referral system under  
14 apprenticeship program standards approved by the Washington state  
15 apprenticeship and training council;

16 (d) The individual has been unemployed for a waiting period of  
17 one week;

18 (e) The individual participates in reemployment services if the  
19 individual has been referred to reemployment services pursuant to the  
20 profiling system established by the commissioner under RCW 50.20.011,  
21 unless the commissioner determines that:

22 (i) The individual has completed such services; or

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

25 (f) As to weeks which fall within an extended benefit period as  
26 defined in RCW 50.22.010, the individual meets the terms and  
27 conditions of RCW 50.22.020 with respect to benefits claimed in  
28 excess of twenty-six times the individual's weekly benefit amount.

29 (2) An individual's eligibility period for regular benefits shall  
30 be coincident to his or her established benefit year. An individual's  
31 eligibility period for additional or extended benefits shall be the  
32 periods prescribed elsewhere in this title for such benefits.

33 (3)(a) For any weeks of unemployment insurance benefits when the  
34 one week waiting period is fully paid or fully reimbursed by the  
35 federal government, subsection (1)(d) of this section is waived.

36 (b) For any weeks of unemployment insurance benefits when the one  
37 week waiting period is partially paid or partially reimbursed by the  
38 federal government, the department may, by rule, elect to waive  
39 subsection (1)(d) of this section.

1 (4) During the weeks of a public health emergency, an unemployed  
2 individual may also meet the requirements of subsection (1)(c) of  
3 this section if:

4 (a) The unemployed individual is able to perform, available to  
5 perform, and actively seeking suitable work which can be performed  
6 for an employer from the individual's home; and

7 (b) The unemployed individual or another individual residing with  
8 the unemployed individual is at higher risk of severe illness or  
9 death from the disease that is the subject of the public health  
10 emergency because the higher risk individual:

11 (i) Was in an age category that is defined as high risk for the  
12 disease that is the subject of the public health emergency by:

13 (A) The federal centers for disease control and prevention;

14 (B) The department of health; or

15 (C) The equivalent agency in the state where the individual  
16 resides; or

17 (ii) Has an underlying health condition, verified as required by  
18 the department by rule, that is identified as a risk factor for the  
19 disease that is the subject of the public health emergency by:

20 (A) The federal centers for disease control and prevention;

21 (B) The department of health; or

22 (C) The equivalent agency in the state where the individual  
23 resides.

24 (5) Notwithstanding the requirements of subsections (1) and (2)  
25 of this section, individuals with caregiving responsibilities may  
26 restrict their hours or days of availability if they show that there  
27 is no other person to provide the care within their means, and that  
28 there is still a substantial market of employment open to them after  
29 the restrictions.

30 **Sec. 3.** RCW 50.20.050 and 2021 c 2 s 10 are each amended to read  
31 as follows:

32 (1) With respect to separations that occur on or after September  
33 6, 2009, and for separations that occur before April 4, 2021:

34 (a) A claimant shall be disqualified from benefits beginning with  
35 the first day of the calendar week in which the claimant left work  
36 voluntarily without good cause and thereafter for seven calendar  
37 weeks and until the claimant obtains bona fide work in employment  
38 covered by this title and earned wages in that employment equal to  
39 seven times the claimant's weekly benefit amount. Good cause reasons

1 to leave work are limited to reasons listed in (b) of this  
2 subsection.

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

7 (i) The duration of the work;

8 (ii) The extent of direction and control by the employer over the  
9 work; and

10 (iii) The level of skill required for the work in light of  
11 (~~the~~) the claimant's training and experience.

12 (b) A claimant has good cause and is not disqualified from  
13 benefits under (a) of this subsection only under the following  
14 circumstances:

15 (i) The claimant has left work to accept a bona fide offer of  
16 bona fide work as described in (a) of this subsection;

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

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

28 (B) The claimant terminated the claimant's employment status, and  
29 is not entitled to be reinstated to the same position or a comparable  
30 or similar position;

31 (iii) The claimant: (A) Left work to relocate for the employment  
32 of a spouse or domestic partner that is outside the existing labor  
33 market area; and (B) remained employed as long as was reasonable  
34 prior to the move;

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

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

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

3 (vii) The claimant'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 claimant's job classification and labor market;

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

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

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

16 (xi) The claimant left work to enter an apprenticeship program  
17 approved by the Washington state apprenticeship training council.  
18 Benefits are payable beginning Sunday of the week prior to the week  
19 in which the claimant begins active participation in the  
20 apprenticeship program.

21 (2) With respect to separations that occur on or after April 4,  
22 2021, and for separations that occur before July 3, 2022:

23 (a) A claimant shall be disqualified from benefits beginning with  
24 the first day of the calendar week in which the claimant has left  
25 work voluntarily without good cause and thereafter for seven calendar  
26 weeks and until the claimant has obtained bona fide work in  
27 employment covered by this title and earned wages in that employment  
28 equal to seven times the claimant's weekly benefit amount. Good cause  
29 reasons to leave work are limited to reasons listed in (b) of this  
30 subsection.

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

35 (i) The duration of the work;

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

38 (iii) The level of skill required for the work in light of the  
39 claimant's training and experience.

1 (b) A claimant has good cause and is not disqualified from  
2 benefits under (a) of this subsection only under the following  
3 circumstances:

4 (i) The claimant has left work to accept a bona fide offer of  
5 bona fide work as described in (a) of this subsection;

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

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

17 (B) The claimant terminated the claimant's employment status, and  
18 is not entitled to be reinstated to the same position or a comparable  
19 or similar position;

20 (iii) The claimant: (A) Left work to relocate for the employment  
21 of a spouse or domestic partner that is outside the existing labor  
22 market area; and (B) remained employed as long as was reasonable  
23 prior to the move;

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

27 (v) The claimant's usual compensation was reduced by twenty-five  
28 percent or more;

29 (vi) The claimant's usual hours were reduced by twenty-five  
30 percent or more;

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

35 (viii) The claimant's worksite safety deteriorated, the claimant  
36 reported such safety deterioration to the employer, and the employer  
37 failed to correct the hazards within a reasonable period of time;

38 (ix) The claimant left work because of illegal activities in the  
39 claimant's worksite, the claimant reported such activities to the

1 employer, and the employer failed to end such activities within a  
2 reasonable period of time;

3 (x) The claimant's usual work was changed to work that violates  
4 the claimant's religious convictions or sincere moral beliefs;

5 (xi) The claimant left work to enter an apprenticeship program  
6 approved by the Washington state apprenticeship training council.  
7 Benefits are payable beginning Sunday of the week prior to the week  
8 in which the claimant begins active participation in the  
9 apprenticeship program; or

10 (xii) During a public health emergency:

11 (A) The claimant was unable to perform the claimant's work for  
12 the employer from the claimant's home;

13 (B) The claimant is able to perform, available to perform, and  
14 can actively seek suitable work which can be performed for an  
15 employer from the claimant's home; and

16 (C) The claimant or another individual residing with the claimant  
17 is at higher risk of severe illness or death from the disease that is  
18 the subject of the public health emergency because the higher risk  
19 individual:

20 (I) Was in an age category that is defined as high risk for the  
21 disease that is the subject of the public health emergency by the  
22 federal centers for disease control and prevention, the department of  
23 health, or the equivalent agency in the state where the individual  
24 resides; or

25 (II) Has an underlying health condition, verified as required by  
26 the department by rule, that is identified as a risk factor for the  
27 disease that is the subject of the public health emergency by the  
28 federal centers for disease control and prevention, the department of  
29 health, or the equivalent agency in the state where the individual  
30 resides.

31 (3) With respect to separations that occur on or after July 3,  
32 2022:

33 (a) A claimant shall be disqualified from benefits beginning with  
34 the first day of the calendar week in which the claimant has left  
35 work voluntarily without good cause and thereafter for seven calendar  
36 weeks and until the claimant has obtained bona fide work in  
37 employment covered by this title and earned wages in that employment  
38 equal to seven times the claimant's weekly benefit amount. Good cause  
39 reasons to leave work are limited to reasons listed in (b) of this  
40 subsection.

1 The disqualification shall continue if the work obtained is a  
2 mere sham to qualify for benefits and is not bona fide work. In  
3 determining whether work is of a bona fide nature, the commissioner  
4 shall consider 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 claimant's training and experience.

10 (b) A claimant has good cause and is not disqualified from  
11 benefits under (a) of this subsection only under the following  
12 circumstances:

13 (i) The claimant has left work to accept a bona fide offer of  
14 bona fide work as described in (a) of this subsection;

15 (ii) The separation was necessary because of the illness or  
16 disability of the claimant or the death, illness, or disability of a  
17 family member, or because care for a child or a vulnerable adult in  
18 the claimant's care is inaccessible, so long as:

19 (A) The claimant made reasonable efforts to preserve the  
20 claimant's employment status by requesting a leave of absence or  
21 changes in working conditions or work schedule that would accommodate  
22 the death, illness, disability, or caregiving inaccessibility, by  
23 having promptly notified the employer of the reason for the absence,  
24 and by having promptly requested reemployment when again able to  
25 assume employment. These alternatives need not be pursued, however,  
26 when they would have been a futile act, including those instances  
27 when the futility of the act was a result of a recognized labor/  
28 management dispatch system; and

29 (B) The claimant terminated the claimant's employment status, and  
30 is not entitled to be reinstated to the same position or a comparable  
31 or similar position;

32 (iii) The claimant: (A) Left work to relocate for the employment  
33 of a spouse or domestic partner that is outside the existing labor  
34 market area; and (B) remained employed as long as was reasonable  
35 prior to the move;

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

39 (v) The claimant's usual compensation was reduced by twenty-five  
40 percent or more;



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

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

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

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

16 (xi) The claimant left work to enter an apprenticeship program  
17 approved by the Washington state apprenticeship training council.  
18 Benefits are payable beginning Sunday of the week prior to the week  
19 in which the claimant begins active participation in the  
20 apprenticeship program;

21 (xii) During a public health emergency:

22 (A) The claimant was unable to perform the claimant's work for  
23 the employer from the claimant's home;

24 (B) The claimant is able to perform, available to perform, and  
25 can actively seek suitable work which can be performed for an  
26 employer from the claimant's home; and

27 (C) The claimant or another individual residing with the claimant  
28 is at higher risk of severe illness or death from the disease that is  
29 the subject of the public health emergency because the higher risk  
30 individual:

31 (I) Was in an age category that is defined as high risk for the  
32 disease that is the subject of the public health emergency by the  
33 federal centers for disease control and prevention, the department of  
34 health, or the equivalent agency in the state where the individual  
35 resides; or

36 (II) Has an underlying health condition, verified as required by  
37 the department by rule, that is identified as a risk factor for the  
38 disease that is the subject of the public health emergency by the  
39 federal centers for disease control and prevention, the department of

1 health, or the equivalent agency in the state where the individual  
2 resides;

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

6 (xiv) The claimant left work to relocate outside the existing  
7 labor market because of the geographical location of, proximity to,  
8 or the separation from a minor child.

9 (4) Notwithstanding subsection (1) of this section, a claimant  
10 who was simultaneously employed in full-time employment and part-time  
11 employment and is otherwise eligible for benefits from the loss of  
12 the full-time employment shall not be disqualified from benefits  
13 because the claimant:

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

16 (b) Did not have prior knowledge that the claimant would be  
17 separated from full-time employment.

18 **Sec. 4.** RCW 50.20.100 and 2021 c 2 s 11 are each amended to read  
19 as follows:

20 (1) Suitable work for an individual is employment in an  
21 occupation in keeping with the individual's prior work experience,  
22 education, or training and if the individual has no prior work  
23 experience, special education, or training for employment available  
24 in the general area, then employment which the individual would have  
25 the physical and mental ability to perform. In determining whether  
26 work is suitable for an individual, the commissioner shall also  
27 consider the degree of risk involved to the individual's health,  
28 safety, and morals, the degree of risk to the health of those  
29 residing with the individual during a public health emergency, the  
30 individual's physical fitness, the individual's length of  
31 unemployment and prospects for securing local work in the  
32 individual's customary occupation, the distance of the available work  
33 from the individual's residence, the individual's responsibilities to  
34 provide care for a child or vulnerable adult in the individual's  
35 care, and such other factors as the commissioner may deem pertinent,  
36 including state and national emergencies.

37 (2) For individuals with base year work experience in  
38 agricultural labor, any agricultural labor available from any  
39 employer shall be deemed suitable unless it meets conditions in RCW

1 50.20.110 or the commissioner finds elements of specific work  
2 opportunity unsuitable for a particular individual.

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

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

12 **Sec. 5.** RCW 50.29.021 and 2021 c 2 s 16 are each amended to read  
13 as follows:

14 (1)(a) An experience rating account shall be established and  
15 maintained for each employer, except employers as described in RCW  
16 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
17 payments in lieu of contributions, taxable local government employers  
18 as described in RCW 50.44.035, and those employers who are required  
19 to make payments in lieu of contributions, based on existing records  
20 of the employment security department.

21 (b) Benefits paid to an eligible individual shall be charged to  
22 the experience rating accounts of each of such individual's employers  
23 during the individual's base year in the same ratio that the wages  
24 paid by each employer to the individual during the base year bear to  
25 the wages paid by all employers to that individual during that base  
26 year, except as otherwise provided in this section.

27 (c) When the eligible individual's separating employer is a  
28 covered contribution paying base year employer, benefits paid to the  
29 eligible individual shall be charged to the experience rating account  
30 of only the individual's separating employer if the individual  
31 qualifies for benefits under:

32 (i) RCW 50.20.050 (1)(b)(i) (~~(i)~~), (2)(b)(i), or (3)(b)(i), as  
33 applicable, and became unemployed after having worked and earned  
34 wages in the bona fide work; (~~(i)~~)

35 (ii) RCW 50.20.050 (1)(b) (v) through (x) (~~(v)~~), (2)(b) (v)  
36 through (x), or (3)(b) (v) through (x); or

37 (iii) RCW 50.20.050(3)(b)(xiii).

38 (2) The legislature finds that certain benefit payments, in whole  
39 or in part, should not be charged to the experience rating accounts

1 of employers except those employers described in RCW 50.44.010,  
2 50.44.030, and 50.50.030 who have properly elected to make payments  
3 in lieu of contributions, taxable local government employers  
4 described in RCW 50.44.035, and those employers who are required to  
5 make payments in lieu of contributions, as follows:

6 (a) Benefits paid to any individual later determined to be  
7 ineligible shall not be charged to the experience rating account of  
8 any contribution paying employer, except as provided in subsection  
9 (4) of this section.

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

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

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

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

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

26 (e) Benefits paid to an individual who qualifies for benefits  
27 under RCW 50.20.050 (1)(b) (iv) or (xi) (~~(xii)~~), (2)(b) (iv), (xi), or  
28 (xii), or (3)(b) (iv), (xi), (xii), or (xiv), as applicable, shall  
29 not be charged to the experience rating account of any contribution  
30 paying employer.

31 (f) Benefits paid that exceed the benefits that would have been  
32 paid if the weekly benefit amount for the claim had been determined  
33 as one percent of the total wages paid in the individual's base year  
34 shall not be charged to the experience rating account of any  
35 contribution paying employer. This subsection (2)(f) does not apply  
36 to the calculation of contribution rates under RCW 50.29.025 for rate  
37 year 2010 and thereafter.

38 (g) Upon approval of an individual's training benefits plan  
39 submitted in accordance with RCW 50.22.155(2), an individual is  
40 considered enrolled in training, and regular benefits beginning with

1 the week of approval shall not be charged to the experience rating  
2 account of any contribution paying employer.

3 (h) Training benefits paid to an individual under RCW 50.22.155  
4 shall not be charged to the experience rating account of any  
5 contribution paying employer.

6 (i)(i) Benefits paid during the one week waiting period when the  
7 one week waiting period is fully paid or fully reimbursed by the  
8 federal government shall not be charged to the experience rating  
9 account of any contribution paying employer.

10 (ii) In the event the one week waiting period is partially paid  
11 or partially reimbursed by the federal government, the department  
12 may, by rule, elect to not charge, in full or in part, benefits paid  
13 during the one week waiting period to the experience rating account  
14 of any contribution paying employer.

15 (j) Benefits paid for all weeks starting with the week ending  
16 March 28, 2020, and ending with the week ending May 30, 2020, shall  
17 not be charged to the experience rating account of any contribution  
18 paying employer.

19 (3)(a) A contribution paying base year employer, except employers  
20 as provided in subsection (5) of this section, not otherwise eligible  
21 for relief of charges for benefits under this section, may receive  
22 such relief if the benefit charges result from payment to an  
23 individual who:

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

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

29 (iii) Is unemployed as a result of closure or severe curtailment  
30 of operation at the employer's plant, building, worksite, or other  
31 facility. This closure must be for reasons directly attributable to a  
32 catastrophic occurrence such as fire, flood, or other natural  
33 disaster, or to the presence of any dangerous, contagious, or  
34 infectious disease that is the subject of a public health emergency  
35 at the employer's plant, building, worksite, or other facility;

36 (iv) Continues to be employed on a regularly scheduled permanent  
37 part-time basis by a base year employer and who at some time during  
38 the base year was concurrently employed and subsequently separated  
39 from at least one other base year employer. Benefit charge relief  
40 ceases when the employment relationship between the employer

1 requesting relief and the claimant is terminated. This subsection  
2 does not apply to shared work employers under chapter 50.60 RCW;

3 (v) Continues to be employed on a regularly scheduled permanent  
4 part-time basis by a base year employer and who qualified for two  
5 consecutive unemployment claims where wages were attributable to at  
6 least one employer who employed the individual in both base years.  
7 Benefit charge relief ceases when the employment relationship between  
8 the employer requesting relief and the claimant is terminated. This  
9 subsection does not apply to shared work employers under chapter  
10 50.60 RCW;

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

17 (vii) Worked for an employer for (~~twenty~~) 20 weeks or less, and  
18 was laid off at the end of temporary employment when that employee  
19 temporarily replaced a permanent employee receiving family or medical  
20 leave benefits under Title 50A RCW, and the layoff is due to the  
21 return of that permanent employee. This subsection (3)(a)(vii)  
22 applies to claims with an effective date on or after January 1, 2020;  
23 or

24 (viii) Was discharged because the individual was unable to  
25 satisfy a job prerequisite required by law or administrative rule.

26 (b) The employer requesting relief of charges under this  
27 subsection must request relief in writing within thirty days  
28 following mailing to the last known address of the notification of  
29 the valid initial determination of such claim, stating the date and  
30 reason for the separation or the circumstances of continued  
31 employment. The commissioner, upon investigation of the request,  
32 shall determine whether relief should be granted.

33 (4) When a benefit claim becomes invalid due to an amendment or  
34 adjustment of a report where the employer failed to report or  
35 inaccurately reported hours worked or remuneration paid, or both, all  
36 benefits paid will be charged to the experience rating account of the  
37 contribution paying employer or employers that originally filed the  
38 incomplete or inaccurate report or reports. An employer who  
39 reimburses the trust fund for benefits paid to workers and who fails  
40 to report or inaccurately reported hours worked or remuneration paid,

1 or both, shall reimburse the trust fund for all benefits paid that  
2 are based on the originally filed incomplete or inaccurate report or  
3 reports.

4 (5) An employer's experience rating account may not be relieved  
5 of charges for a benefit payment and an employer who reimburses the  
6 trust fund for benefit payments may not be credited for a benefit  
7 payment if a benefit payment was made because the employer or  
8 employer's agent failed to respond timely or adequately to a written  
9 request of the department for information relating to the claim or  
10 claims without establishing good cause for the failure and the  
11 employer or employer's agent has a pattern of such failures. The  
12 commissioner has the authority to determine whether the employer has  
13 good cause under this subsection.

14 (a) For the purposes of this subsection, "adequately" means  
15 providing accurate information of sufficient quantity and quality  
16 that would allow a reasonable person to determine eligibility for  
17 benefits.

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

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

25 (B) Twenty percent of the total current claims against the  
26 employer.

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

30 NEW SECTION. **Sec. 6.** If any part of this act is found to be in  
31 conflict with federal requirements that are a prescribed condition to  
32 the allocation of federal funds to the state or the eligibility of  
33 employers in this state for federal unemployment tax credits, the  
34 conflicting part of this act is inoperative solely to the extent of  
35 the conflict, and the finding or determination does not affect the  
36 operation of the remainder of this act. Rules adopted under this act  
37 must meet federal requirements that are a necessary condition to the  
38 receipt of federal funds by the state or the granting of federal  
39 unemployment tax credits to employers in this state."

**NOT CONSIDERED 04/26/2021**

1       On page 1, line 2 of the title, after "work;" strike the  
2 remainder of the title and insert "amending RCW 50.20.010, 50.20.050,  
3 50.20.100, and 50.29.021; adding a new section to chapter 50.04 RCW;  
4 and creating a new section."

EFFECT: Amends current engrossed statutes from recently passed legislation (ESSB 5061), rather than the previous statutes.

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