
SENATE BILL 5701

State of Washington

53rd Legislature

1993 Regular Session

By Senators Prentice and Franklin; by request of Employment Security Department

Read first time 02/10/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to unemployment insurance; amending RCW 50.20.050,
2 50.20.060, and 50.20.080; creating new sections; repealing RCW
3 50.04.165; providing effective dates; and declaring an emergency.

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

5 **Sec. 1.** RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended
6 to read as follows:

7 (1) An individual shall be disqualified from benefits beginning
8 with the first day of the calendar week in which he or she has left
9 work voluntarily without good cause and thereafter for five calendar
10 weeks and until he or she has obtained bona fide work and earned wages
11 ~~((of not less than his or her suspended weekly benefit amount in each~~
12 ~~of five calendar weeks)) equal to five times his or her weekly benefit
13 amount.~~

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

18 (a) The duration of the work;

1 (b) The extent of direction and control by the employer over the
2 work; and

3 (c) The level of skill required for the work in light of the
4 individual's training and experience.

5 (2) An individual shall not be considered to have left work
6 voluntarily without good cause when:

7 (a) He or she has left work to accept a bona fide offer of bona
8 fide work as described in subsection (1) of this section; (~~(e)~~)

9 (b) The separation was because of the illness or disability of the
10 claimant or the death, illness, or disability of a member of the
11 claimant's immediate family if the claimant took all reasonable
12 precautions, in accordance with any regulations that the commissioner
13 may prescribe, to protect his or her employment status by having
14 promptly notified the employer of the reason for the absence and by
15 having promptly requested reemployment when again able to assume
16 employment: PROVIDED, That these precautions need not have been taken
17 when they would have been a futile act, including those instances when
18 the futility of the act was a result of a recognized labor/management
19 dispatch system; or

20 (c) He or she has left work to relocate with his or her spouse if
21 the claimant remained employed as long as was reasonable prior to the
22 move.

23 (3) In determining under this section whether an individual has
24 left work voluntarily without good cause, the commissioner shall only
25 consider work-connected factors such as the degree of risk involved to
26 the individual's health, safety, and morals, the individual's physical
27 fitness for the work, the individual's ability to perform the work, and
28 such other work connected factors as the commissioner may deem
29 pertinent, including state and national emergencies. Good cause shall
30 not be established for voluntarily leaving work because of its distance
31 from an individual's residence where the distance was known to the
32 individual at the time he or she accepted the employment and where, in
33 the judgment of the department, the distance is customarily traveled by
34 workers in the individual's job classification and labor market, nor
35 because of any other significant work factor which was generally known
36 and present at the time he or she accepted employment, unless the
37 related circumstances have so changed as to amount to a substantial
38 involuntary deterioration of the work factor or unless the commissioner
39 determines that other related circumstances would work an unreasonable

1 hardship on the individual were he or she required to continue in the
2 employment.

3 (4) Subsections (1) and (3) of this section shall not apply to an
4 individual whose marital status or domestic responsibilities cause him
5 or her to leave employment. Such an individual shall not be eligible
6 for unemployment insurance benefits beginning with the first day of the
7 calendar week in which he or she left work without good cause and
8 thereafter until he or she has requalified, either by obtaining bona
9 fide work and earning wages (~~((of not less than the suspended weekly~~
10 ~~benefit amount in each of five calendar weeks))~~ equal to five times his
11 or her weekly benefit amount or by reporting in person to the
12 department during ten different calendar weeks and certifying on each
13 occasion that he or she is ready, able, and willing to immediately
14 accept any suitable work which may be offered, is actively seeking work
15 pursuant to customary trade practices, and is utilizing such employment
16 counseling and placement services as are available through the
17 department. This subsection does not apply to individuals covered by
18 subsection (2)(c) of this section.

19 **Sec. 2.** RCW 50.20.060 and 1982 1st ex.s. c 18 s 16 are each
20 amended to read as follows:

21 (1) An individual shall be disqualified from benefits beginning
22 with the first day of the calendar week in which he or she has been
23 discharged or suspended for misconduct connected with his or her work
24 and thereafter for five calendar weeks and until he or she has obtained
25 work and earned wages (~~((of not less than the suspended weekly benefit~~
26 ~~amount in each of five calendar weeks))~~ equal to five times his or her
27 benefit amount. Alcoholism shall not constitute a defense to
28 disqualification from benefits due to misconduct.

29 (2) An individual who has been discharged because of a felony or a
30 gross misdemeanor of which he or she has been convicted, or has
31 admitted committing to a competent authority, and which is connected
32 with his or her work shall be disqualified from receiving any benefits
33 for which base year credits are earned in any employment prior to the
34 discharge. Such disqualification begins with the first day of the
35 calendar week in which he or she has been discharged, and all benefits
36 paid during the period the individual was disqualified shall be
37 recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other
38 provision of this title.

1 **Sec. 3.** RCW 50.20.080 and 1959 c 321 s 1 are each amended to read
2 as follows:

3 An individual is disqualified for benefits, if the commissioner
4 finds that ((he)) the individual has failed without good cause, either
5 to apply for available, suitable work when so directed by the
6 employment office or the commissioner, or to accept suitable work when
7 offered ((him)) the individual, or to return to his or her customary
8 self-employment (if any) when so directed by the commissioner. Such
9 disqualification shall begin with the week of the refusal and
10 thereafter for five calendar weeks and continue until ((he)) the
11 individual has obtained work and earned wages therefor of not less than
12 five times his or her suspended weekly benefit amount in each of five
13 weeks.

14 NEW SECTION. **Sec. 4.** RCW 50.04.165 and 1991 c 72 s 57, 1986 c 110
15 s 1, 1983 1st ex.s. c 23 s 4, & 1981 c 35 s 13 are each repealed.

16 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
17 conflict with federal requirements that are a prescribed condition to
18 the allocation of federal funds to the state or the eligibility of
19 employers in this state for federal unemployment tax credits, the
20 conflicting part of this act is hereby declared to be inoperative
21 solely to the extent of the conflict, and such finding or determination
22 shall not affect the operation of the remainder of this act. The rules
23 under this act shall meet federal requirements that are a necessary
24 condition to the receipt of federal funds by the state or the granting
25 of federal unemployment tax credits to employers in this state.

26 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act apply to
27 separations occurring on or after July 4, 1993.

28 NEW SECTION. **Sec. 7.** (1) Sections 1 through 3, 5, and 6 of this
29 act are necessary for the immediate preservation of the public peace,
30 health, or safety, or support of the state government and its existing
31 public institutions, and shall take effect July 4, 1993.

32 (2) Section 4 of this act shall take effect January 1, 1994.

--- END ---