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HOUSE BILL 2437

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State of Washington

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By Representatives R. King, Heavey, Prentice, Franklin, G. Cole and J. Kohl

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to disqualification from unemployment benefits;  
2 amending RCW 50.20.050 and 50.20.060; adding a new section to chapter  
3 50.20 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that  
6 unemployment insurance provides partial replacement of lost wages for  
7 unemployed workers. Further, the legislature finds that eligibility  
8 for unemployment benefits is primarily related to the separation from  
9 employment immediately preceding the period of unemployment.  
10 Accordingly, it is the intent of the legislature that adjudication of  
11 a claimant's eligibility for benefits be limited to the claimant's most  
12 recent separation.

1       **Sec. 2.** RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended  
2 to read as follows:

3       (1) An individual shall be disqualified from benefits beginning  
4 with the first day of the calendar week in which he or she has left the  
5 most recent work voluntarily without good cause and thereafter until he  
6 or she has obtained bona fide work and earned wages of not less than  
7 his or her suspended weekly benefit amount in each of five calendar  
8 weeks.

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       (a) The duration of the work;

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

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

18       (2) An individual shall not be considered to have left the most  
19 recent work voluntarily without good cause when:

20       (a) He or she has left work to accept a bona fide offer of bona  
21 fide work as described in subsection (1) of this section; or

22       (b) The separation was because of the illness or disability of the  
23 claimant or the death, illness, or disability of a member of the  
24 claimant's immediate family if the claimant took all reasonable  
25 precautions, in accordance with any regulations that the commissioner  
26 may prescribe, to protect his or her employment status by having  
27 promptly notified the employer of the reason for the absence and by  
28 having promptly requested reemployment when again able to assume  
29 employment: PROVIDED, That these precautions need not have been taken  
30 when they would have been a futile act, including those instances when

1 the futility of the act was a result of a recognized labor/management  
2 dispatch system.

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

22 (4) Subsections (1) and (3) of this section shall not apply to an  
23 individual whose marital status or domestic responsibilities cause him  
24 or her to leave the most recent employment. Such an individual shall  
25 not be eligible for unemployment insurance benefits until he or she has  
26 requalified, either by obtaining bona fide work and earning wages of  
27 not less than the suspended weekly benefit amount in each of five  
28 calendar weeks or by reporting in person to the department during ten  
29 different calendar weeks and certifying on each occasion that he or she  
30 is ready, able, and willing to immediately accept any suitable work

1 which may be offered, is actively seeking work pursuant to customary  
2 trade practices, and is utilizing such employment counseling and  
3 placement services as are available through the department.

4 **Sec. 3.** RCW 50.20.060 and 1982 1st ex.s. c 18 s 16 are each  
5 amended to read as follows:

6 ~~((1))~~ An individual shall be disqualified from benefits beginning  
7 with the first day of the calendar week in which he or she has been  
8 discharged or suspended for misconduct connected with his or her most  
9 recent work and thereafter until he or she has obtained work and earned  
10 wages of not less than the suspended weekly benefit amount in each of  
11 five calendar weeks. Alcoholism shall not constitute a defense to  
12 disqualification from benefits due to misconduct.

13 ~~((2) An individual who has been discharged because of a felony or  
14 a gross misdemeanor of which he or she has been convicted, or has  
15 admitted committing to a competent authority, and which is connected  
16 with his or her work shall be disqualified from receiving any benefits  
17 for which base year credits are earned in any employment prior to the  
18 discharge. Such disqualification begins with the first day of the  
19 calendar week in which he or she has been discharged, and all benefits  
20 paid during the period the individual was disqualified shall be  
21 recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other  
22 provision of this title.))~~

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 50.20 RCW  
24 to read as follows:

25 (1) An individual who has been discharged or voluntarily leaves  
26 work because of a felony or gross misdemeanor of which he or she has  
27 been convicted, or has admitted committing to a competent authority,

1 and that is connected with his or her work shall have all hourly wage  
2 credits based on that employment cancelled.

3 (2) The employer shall notify the department of such an admission  
4 or conviction, not later than six months following the admission or  
5 conviction.

6 (3) The claimant shall disclose any conviction of the claimant of  
7 a work-connected felony or gross misdemeanor occurring in the previous  
8 two years to the department at the time of application for benefits.

9 (4) All benefits that are paid in error based on wage/hour credits  
10 that should have been removed from the claimant's base year are  
11 recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other  
12 provisions of this title.