

SENATE BILL 5255

State of Washington

52nd Legislature

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By Senators L. Smith, McMullen, Murray, Moore, Conner, Sutherland and Pelz.

Read first time January 25, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to unemployment compensation benefits for an
2 individual who leaves work voluntarily to relocate with his or her
3 spouse; and amending RCW 50.20.050 and 50.29.020.

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 until he or she has
10 obtained bona fide work and earned wages of not less than his or her
11 suspended weekly benefit amount in each of five calendar weeks.

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

1 (a) The duration of the work;

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

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

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

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

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

21 (3) In determining under this section whether an individual has
22 left work voluntarily without good cause, the commissioner shall only
23 consider work-connected factors such as the degree of risk involved to
24 the individual's health, safety, and morals, the individual's physical
25 fitness for the work, the individual's ability to perform the work, and
26 such other work connected factors as the commissioner may deem
27 pertinent, including state and national emergencies. Good cause shall
28 not be established for voluntarily leaving work because of its distance
29 from an individual's residence where the distance was known to the
30 individual at the time he or she accepted the employment and where, in

1 the judgment of the department, the distance is customarily traveled by
2 workers in the individual's job classification and labor market, nor
3 because of any other significant work factor which was generally known
4 and present at the time he or she accepted employment, unless the
5 related circumstances have so changed as to amount to a substantial
6 involuntary deterioration of the work factor or unless the commissioner
7 determines that other related circumstances would work an unreasonable
8 hardship on the individual were he or she required to continue in the
9 employment.

10 (4) (~~Subsections (1) and (3) of this section shall not apply to an~~
11 ~~individual whose marital status or domestic responsibilities cause him~~
12 ~~or her to leave employment. Such an individual shall not be eligible~~
13 ~~for unemployment insurance benefits until he or she has requalified,~~
14 ~~either by obtaining bona fide work and earning wages of not less than~~
15 ~~the suspended weekly benefit amount in each of five calendar weeks or~~
16 ~~by reporting in person to the department during ten different calendar~~
17 ~~weeks and certifying on each occasion that he or she is ready, able,~~
18 ~~and willing to immediately accept any suitable work which may be~~
19 ~~offered, is actively seeking work pursuant to customary trade~~
20 ~~practices, and is utilizing such employment counseling and placement~~
21 ~~services as are available through the department.)) An individual shall
22 not be considered to have left work voluntarily without good cause if
23 the individual leaves work voluntarily to relocate with his or her
24 spouse.~~

25 **Sec. 2.** RCW 50.29.020 and 1988 c 27 s 1 are each amended to read
26 as follows:

27 (1) An experience rating account shall be established and
28 maintained for each employer, except employers as described in RCW
29 50.44.010 and 50.44.030 who have properly elected to make payments in

1 lieu of contributions, taxable local government employers as described
2 in RCW 50.44.035, and those employers who are required to make payments
3 in lieu of contributions, based on existing records of the employment
4 security department. Benefits paid to any eligible individuals shall
5 be charged to the experience rating accounts of each of such
6 individual's employers during the individual's base year in the same
7 ratio that the wages paid by each employer to the individual during the
8 base year bear to the wages paid by all employers to that individual
9 during that base year, except as otherwise provided in this section.

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

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

20 (b) Benefits paid to an individual under the provisions of RCW
21 50.12.050 shall not be charged to the account of any contribution
22 paying employer if the wage credits earned in this state by the
23 individual during his or her base year are less than the minimum amount
24 necessary to qualify the individual for unemployment benefits.

25 (c) Benefits paid to an individual filing under the provisions of
26 chapter 50.06 RCW shall not be charged to the experience rating account
27 of any contribution paying employer.

28 (d) Benefits paid which represent the state's share of benefits
29 payable under chapter 50.22 RCW shall not be charged to the experience
30 rating account of any contribution paying employer.

1 (e) In the case of individuals who requalify for benefits under RCW
2 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
3 the disqualifying separation shall not be charged to the experience
4 rating account of the contribution paying employer from whom that
5 separation took place.

6 (f)(i) Benefits paid to an individual as the result of a
7 determination by the commissioner that no stoppage of work exists,
8 pursuant to RCW 50.20.090, shall not be charged to the experience
9 rating account of any contribution paying employer.

10 (ii) Benefits paid to an individual under RCW 50.20.090(1) for
11 weeks of unemployment ending before February 20, 1987, shall not be
12 charged to the experience rating account of any base year employer.

13 (g) In the case of individuals identified under RCW 50.20.015,
14 benefits paid with respect to a calendar quarter, which exceed the
15 total amount of wages earned in the state of Washington in the higher
16 of two corresponding calendar quarters included within the individual's
17 determination period, as defined in RCW 50.20.015, shall not be charged
18 to the experience rating account of any contribution paying employer.

19 (h) Beginning July 1, 1985, a contribution-paying base year
20 employer, not otherwise eligible for relief of charges for benefits
21 under this section, may receive such relief if:

22 (i) The benefit charges result from payment to an individual who
23 last left the employ of such employer voluntarily for reasons not
24 attributable to the employer, or was discharged for misconduct
25 connected with his or her work; and

26 (ii) The employer requests relief of charges in writing within
27 thirty days following mailing to the last known address of the
28 notification of the initial determination of such a claim, stating the
29 date and reason for the last leaving; and

1 (iii) Upon investigation of the separation, the commissioner rules
2 that the relief should be granted.

3 (i) Benefits paid to an individual who does not successfully
4 complete an approved on-the-job training program under RCW 50.12.240
5 shall not be charged to the experience rating account of the
6 contribution paying employer who provided the approved on-the-job
7 training.

8 (j) Benefits paid resulting from a closure or severe curtailment of
9 operations at the employer's plant, building, work site, or facility
10 due to damage caused by fire, flood, or other natural disaster shall
11 not be charged to the experience rating account of the employer if:

12 (i) The employer petitions for relief of charges; and

13 (ii) The commissioner approves granting relief of charges.

14 (k) Benefits paid to an individual who leaves work voluntarily to
15 relocate with his or her spouse.