

SENATE BILL REPORT

SB 5464

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 3, 1993

Brief Description: Limiting the unemployment insurance disqualification for misconduct.

SPONSORS: Senators Prentice, Vognild, Moore, Fraser and Pelz

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Minority Report: Do not pass.

Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Staff: Dave Cheal (786-7576)

Hearing Dates: February 17, 1993; March 3, 1993

BACKGROUND:

An employee can be disqualified from receiving unemployment benefits if discharged for "misconduct" on the job, which is not currently defined in statute or regulation. Court decisions have defined "misconduct" in a variety of ways.

An employee disqualified for benefits for misconduct may requalify after having worked and earned wages of at least the weekly benefit in each of five calendar weeks. Record keeping and computation under this rule presents an administrative burden to employers, the department, and employees.

SUMMARY:

"Misconduct" is defined as an employee's act or omission in willful disregard of his employer's interest which results in harm to the employer's business.

Having been disqualified for benefits because of misconduct leading to discharge or suspension, a worker may requalify after working and earning wages of not less than five times his or her suspended weekly benefit.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

"Misconduct" has never been defined by statute, and courts have devised a variety of definitions. Certainty and uniformity are needed on this important policy question.

TESTIMONY AGAINST:

Current case law definitions are adequate and appropriate.

TESTIFIED: Jeff Johnson (pro); Robert Dilger (pro); Martha Lindley (pro); Clif Finch (con); Tom Huff (con); Norm Rafael (con); Gary Smith (con)