
HOUSE BILL 1707

State of Washington 55th Legislature 1997 Regular Session

By Representatives McMorris and Mulliken

Read first time 02/05/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to defining misconduct for unemployment insurance
2 purposes; and amending RCW 50.04.293.

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

4 **Sec. 1.** RCW 50.04.293 and 1993 c 483 s 1 are each amended to read
5 as follows:

6 (1) "Misconduct" means an employee's ((act or failure to act in
7 willful disregard of his or her employer's interest where the effect of
8 the employee's act or failure to act is to harm the employer's
9 business)) on-the-job conduct, whether an act or a failure to act,
10 that:

11 (a) Violates a written rule of his or her employer and the rule is
12 reasonable under the circumstances of the employment;

13 (b) Is connected with the employee's work; and

14 (c) Is intentional or grossly negligent, or is continued after
15 documented notice or warning, and is not a result of incompetence,
16 inefficiency, erroneous judgment, or ordinary negligence.

17 (2) In the case of an employee's off-the-job conduct, "misconduct"
18 is conduct, whether an act or a failure to act, that:

1 (a) Has a reasonable and direct relation to the conduct of the
2 employer's business;

3 (b) Results in some harm to the employer's interest;

4 (c) Was done with intent or knowledge that the employer's interest
5 would suffer; and

6 (d) Meets the requirements of subsection (1)(a) and (b) of this
7 section.

8 (3) If a determination of an allowance of benefits is appealed by
9 an employer on the grounds that the employee's misconduct violated an
10 unwritten rule of the employer, the employer has the burden of
11 establishing by a preponderance of the evidence that: (a) Except for
12 the requirement of a written rule, the requirements of subsection (1)
13 or (2) of this section, whichever applies, are met; and (b) as
14 established by at least two competent witnesses, both the rule in issue
15 and the expectation that the rule would be followed were communicated
16 to the employee.

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