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HOUSE BILL 3031

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives McMorris, Boldt, Chandler and Clements

Read first time 01/27/98. 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            "Misconduct" means an employee's (~~act or failure to act in willful~~  
7 ~~disregard of his or her employer's interest where the effect of the~~  
8 ~~employee's act or failure to act is to harm the employer's business~~):

9            (1) On-the-job conduct, whether an act or a failure to act, that:

10            (a) Violates a rule, order, or standard of behavior of the  
11 employee's employer and the rule, order, or standard is reasonable  
12 under the circumstances of the employment;

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

14            (c) Is conduct that in fact violates the rule, order, or standard  
15 and is not the result, at least in isolated instances, of incompetence,  
16 inefficiency, erroneous judgment, or ordinary negligence; and

17            (2) Off-the-job conduct, whether an act or a failure to act, that:

1       (a) Violates a rule, order, or standard of behavior of the  
2 employee's employer and the rule, order, or standard is reasonable  
3 under the circumstances of the employment;

4       (b) Is connected with the employee's work or otherwise has a  
5 reasonable relation to the conduct of the employer's business;

6       (c) Results in some harm to the employer's interest; and

7       (d) Is conduct the employee knew or reasonably should have known  
8 would harm the employer's interest.

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