

1707

Sponsor(s): Representatives McMorris and Mulliken

Brief Title: Defining misconduct for unemployment insurance purposes.

HB 1707 - DIGEST

Declares that "misconduct" means an employee's on-the-job conduct, whether an act or a failure to act, that: (1) Violates a written rule of his or her employer and the rule is reasonable under the circumstances of the employment;

(2) is connected with the employee's work; and

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

Provides that, if a determination of an allowance of benefits is appealed by an employer on the grounds that the employee's misconduct violated an unwritten rule of the employer, the employer has the burden of establishing by a preponderance of the evidence that: (1) Except for the requirement of a written rule, the requirements of the act are met; and

(2) as established by at least two competent witnesses, both the rule in issue and the expectation that the rule would be followed were communicated to the employee.