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HOUSE BILL 1298

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State of Washington

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By Representatives O'Brien, Ballasiotes, Tokuda, Radcliff, Kagi, Mitchell, Ogden, Hankins, Constantine, Skinner, Dunshee, G. Chandler, Esser, Lovick, Kessler, Cody, Romero, Campbell, Poulsen, Kenney, Lantz, Miloscia, Santos, Hurst, Keiser, Veloria, Ruderman, Scott, McIntire and Morris

Read first time 01/21/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to eligibility for unemployment compensation  
2 benefits for victims of domestic violence who have left work as a  
3 result of the domestic violence; and amending RCW 50.20.050.

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

5 **Sec. 1.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read  
6 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 for five calendar  
10 weeks and until he or she has obtained bona fide work and earned wages  
11 equal to five times his or her weekly benefit amount.

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:

16 (a) The duration of the work;

17 (b) The extent of direction and control by the employer over the  
18 work; and

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

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

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

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

18 (c) He or she has left work to relocate for the spouse's employment  
19 that is outside the existing labor market area if the claimant remained  
20 employed as long as was reasonable prior to the move; or

21 (d) He or she is a victim of domestic violence, as those terms are  
22 defined in RCW 10.99.020, and has left work seeking safety or relief  
23 from the domestic violence.

24 (3) In determining under this section whether an individual has  
25 left work voluntarily without good cause, the commissioner shall only  
26 consider work-connected factors such as the degree of risk involved to  
27 the individual's health, safety, and morals, the individual's physical  
28 fitness for the work, the individual's ability to perform the work, and  
29 such other work connected factors as the commissioner may deem  
30 pertinent, including state and national emergencies. Good cause shall  
31 not be established for voluntarily leaving work because of its distance  
32 from an individual's residence where the distance was known to the  
33 individual at the time he or she accepted the employment and where, in  
34 the judgment of the department, the distance is customarily traveled by  
35 workers in the individual's job classification and labor market, nor  
36 because of any other significant work factor which was generally known  
37 and present at the time he or she accepted employment, unless the  
38 related circumstances have so changed as to amount to a substantial  
39 involuntary deterioration of the work factor or unless the commissioner

1 determines that other related circumstances would work an unreasonable  
2 hardship on the individual were he or she required to continue in the  
3 employment.

4 (4) Subsections (1) and (3) of this section shall not apply to an  
5 individual whose marital status or domestic responsibilities cause him  
6 or her to leave employment. Such an individual shall not be eligible  
7 for unemployment insurance benefits beginning with the first day of the  
8 calendar week in which he or she left work and thereafter for five  
9 calendar weeks and until he or she has requalified, either by obtaining  
10 bona fide work and earning wages equal to five times his or her weekly  
11 benefit amount or by reporting in person to the department during ten  
12 different calendar weeks and certifying on each occasion that he or she  
13 is ready, able, and willing to immediately accept any suitable work  
14 which may be offered, is actively seeking work pursuant to customary  
15 trade practices, and is utilizing such employment counseling and  
16 placement services as are available through the department. This  
17 subsection does not apply to individuals covered by subsection (2)(b)  
18 ~~((or))~~, (c), or (d) of this section.

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