
SENATE BILL 5136

State of Washington

56th Legislature

1999 Regular Session

By Senators Fairley, Patterson, Kohl-Welles, Costa, Fraser, Wojahn, Thibaudeau, Kline and Prentice

Read first time 01/13/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to a claimant's right to receive unemployment
2 compensation when the claimant leaves work due to domestic violence;
3 and amending RCW 50.20.010 and 50.20.050.

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

5 **Sec. 1.** RCW 50.20.010 and 1995 c 381 s 1 are each amended to read
6 as follows:

7 An unemployed individual shall be eligible to receive waiting
8 period credits or benefits with respect to any week in his or her
9 eligibility period only if the commissioner finds that:

10 (1) He or she has registered for work at, and thereafter has
11 continued to report at, an employment office in accordance with such
12 regulation as the commissioner may prescribe, except that the
13 commissioner may by regulation waive or alter either or both of the
14 requirements of this subdivision as to individuals attached to regular
15 jobs and as to such other types of cases or situations with respect to
16 which the commissioner finds that the compliance with such requirements
17 would be oppressive, or would be inconsistent with the purposes of this
18 title;

1 (2) He or she has filed an application for an initial determination
2 and made a claim for waiting period credit or for benefits in
3 accordance with the provisions of this title;

4 (3) Except for a claimant who meets the criteria under subsection
5 (7) of this section, he or she is able to work, and is available for
6 work in any trade, occupation, profession, or business for which he or
7 she is reasonably fitted. To be available for work an individual must
8 be ready, able, and willing, immediately to accept any suitable work
9 which may be offered to him or her and must be actively seeking work
10 pursuant to customary trade practices and through other methods when so
11 directed by the commissioner or the commissioner's agents;

12 (4) He or she has been unemployed for a waiting period of one week;

13 (5) He or she participates in reemployment services if the
14 individual has been referred to reemployment services pursuant to the
15 profiling system established by the commissioner under RCW 50.20.011,
16 unless the commissioner determines that:

17 (a) The individual has completed such services; or

18 (b) There is justifiable cause for the claimant's failure to
19 participate in such services; ((and))

20 (6) As to weeks beginning after March 31, 1981, which fall within
21 an extended benefit period as defined in RCW 50.22.010, the individual
22 meets the terms and conditions of RCW 50.22.020 with respect to
23 benefits claimed in excess of twenty-six times the individual's weekly
24 benefit amount;

25 (7) The claimant has qualified under RCW 50.20.050(2)(d) and the
26 claimant is temporarily unable to actively search for employment
27 because the claimant is seeking safety or relief for the claimant or
28 the claimant's immediate family members from domestic violence or
29 stalking. The claimant is deemed to have fulfilled the requirements of
30 subsection (3) of this section for up to twelve weeks while seeking
31 safety or relief by:

32 (i) Obtaining or receiving medical treatment;

33 (ii) Going into hiding or relocating or attempting to do so;

34 (iii) Actively pursuing legal protection or remedies; or

35 (iv) Participating in psychological, social, or religious
36 counseling or support groups for victims of domestic violence or
37 stalking to assist the claimant in ending domestic violence or dealing
38 with the results of stalking so as to resume work.

1 An individual's eligibility period for regular benefits shall be
2 coincident to his or her established benefit year. An individual's
3 eligibility period for additional or extended benefits shall be the
4 periods prescribed elsewhere in this title for such benefits.

5 **Sec. 2.** 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

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

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

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

25 (b) The separation was because of the illness or disability of the
26 claimant or the death, illness, or disability of a member of the
27 claimant's immediate family if the claimant took all reasonable
28 precautions, in accordance with any regulations that the commissioner
29 may prescribe, to protect his or her employment status by having
30 promptly notified the employer of the reason for the absence and by
31 having promptly requested reemployment when again able to assume
32 employment: PROVIDED, That these precautions need not have been taken
33 when they would have been a futile act, including those instances when
34 the futility of the act was a result of a recognized labor/management
35 dispatch system; ((or))

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

1 (d) The separation was necessary to protect the claimant or the
2 claimant's family members from domestic violence, as defined in RCW
3 26.50.010, or stalking, as defined in RCW 9A.46.110.

4 (3) In determining under this section whether an individual has
5 left work voluntarily without good cause, the commissioner shall only
6 consider work-connected factors such as the degree of risk involved to
7 the individual's health, safety, and morals, the individual's physical
8 fitness for the work, the individual's ability to perform the work, and
9 such other work connected factors as the commissioner may deem
10 pertinent, including state and national emergencies. Good cause shall
11 not be established for voluntarily leaving work because of its distance
12 from an individual's residence where the distance was known to the
13 individual at the time he or she accepted the employment and where, in
14 the judgment of the department, the distance is customarily traveled by
15 workers in the individual's job classification and labor market, nor
16 because of any other significant work factor which was generally known
17 and present at the time he or she accepted employment, unless the
18 related circumstances have so changed as to amount to a substantial
19 involuntary deterioration of the work factor or unless the commissioner
20 determines that other related circumstances would work an unreasonable
21 hardship on the individual were he or she required to continue in the
22 employment.

23 (4) Subsections (1) and (3) of this section shall not apply to an
24 individual whose marital status or domestic responsibilities cause him
25 or her to leave employment. Such an individual shall not be eligible
26 for unemployment insurance benefits beginning with the first day of the
27 calendar week in which he or she left work and thereafter for five
28 calendar weeks and until he or she has requalified, either by obtaining
29 bona fide work and earning wages equal to five times his or her weekly
30 benefit amount or by reporting in person to the department during ten
31 different calendar weeks and certifying on each occasion that he or she
32 is ready, able, and willing to immediately accept any suitable work
33 which may be offered, is actively seeking work pursuant to customary
34 trade practices, and is utilizing such employment counseling and
35 placement services as are available through the department. This
36 subsection does not apply to individuals covered by subsection (2)(b)
37 or (c) of this section.

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