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SENATE BILL 5959

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State of Washington

56th Legislature

1999 Regular Session

By Senators Brown, Kohl-Welles and Rasmussen

Read first time 02/18/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to leave to care for a newborn child; amending RCW  
2 50.20.050; and creating a new section.

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

4 **Sec. 1.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read  
5 as follows:

6 (1) An individual shall be disqualified from benefits beginning  
7 with the first day of the calendar week in which he or she has left  
8 work voluntarily without good cause and thereafter for five calendar  
9 weeks and until he or she has obtained bona fide work and earned wages  
10 equal to five times his or her weekly benefit amount.

11 The disqualification shall continue if the work obtained is a mere  
12 sham to qualify for benefits and is not bona fide work. In determining  
13 whether work is of a bona fide nature, the commissioner shall consider  
14 factors including but not limited to the following:

15 (a) The duration of the work;

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

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

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

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

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

16 (c) The separation was to allow the claimant to care for the  
17 claimant's newborn child under the age of six weeks or the claimant's  
18 newly adopted child for up to six weeks after placement, if, in  
19 circumstances where the necessity for leave was foreseeable based on an  
20 expected birth or placement, the claimant gave the employer notice at  
21 least thirty days before leave was to begin or, where the birth or  
22 placement required leave to begin in less than thirty days, as much  
23 notice as was practicable. No otherwise eligible individual may be  
24 denied benefits for any week during the period in which the individual  
25 is on leave for the purpose described in this subsection because of RCW  
26 50.20.010(3), 50.20.080, or 50.22.020(1) relating to availability for  
27 work and active search for work, or failure to apply for or refusal to  
28 accept suitable work; or

29 (d) He or she has left work to relocate for the spouse's employment  
30 that is outside the existing labor market area if the claimant remained  
31 employed as long as was reasonable prior to the move.

32 (3) In determining under this section whether an individual has  
33 left work voluntarily without good cause, the commissioner shall only  
34 consider work-connected factors such as the degree of risk involved to  
35 the individual's health, safety, and morals, the individual's physical  
36 fitness for the work, the individual's ability to perform the work, and  
37 such other work connected factors as the commissioner may deem  
38 pertinent, including state and national emergencies. Good cause shall  
39 not be established for voluntarily leaving work because of its distance

1 from an individual's residence where the distance was known to the  
2 individual at the time he or she accepted the employment and where, in  
3 the judgment of the department, the distance is customarily traveled by  
4 workers in the individual's job classification and labor market, nor  
5 because of any other significant work factor which was generally known  
6 and present at the time he or she accepted employment, unless the  
7 related circumstances have so changed as to amount to a substantial  
8 involuntary deterioration of the work factor or unless the commissioner  
9 determines that other related circumstances would work an unreasonable  
10 hardship on the individual were he or she required to continue in the  
11 employment.

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

27 NEW SECTION. **Sec. 2.** If any part of this act is found to be in  
28 conflict with federal requirements that are a prescribed condition to  
29 the allocation of federal funds to the state or the eligibility of  
30 employers in this state for federal unemployment tax credits, the  
31 conflicting part of this act is inoperative solely to the extent of the  
32 conflict, and the finding or determination does not affect the  
33 operation of the remainder of this act. Rules adopted under this act  
34 must meet federal requirements that are a necessary condition to the  
35 receipt of federal funds by the state or the granting of federal  
36 unemployment tax credits to employers in this state.

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