

---

SENATE BILL 6169

---

State of Washington

56th Legislature

2000 Regular Session

By Senators Fairley, Fraser, Costa, Rasmussen, Thibaudeau, Brown, Gardner, Franklin and Kline

Read first time 01/10/2000. 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 for victims of domestic violence or stalking to assist the  
37 claimant in ending domestic violence or dealing with the results of  
38 stalking so as to resume work;

1       (8) A claimant seeking to establish a domestic violence  
2 qualification under this section shall provide documentation of having  
3 fulfilled the requirements of subsection (7) of this section.  
4 Documentation may include written confirmation of treatment by a health  
5 care professional licensed under chapter 18.57, 18.57A, 18.71, 18.71A,  
6 or 18.79 RCW for the effects of domestic violence; a copy of a  
7 protection order, restraining order, or no-contact order; a letter from  
8 claimant's attorney indicating that claimant is actively pursuing legal  
9 remedies; a letter from a psychological, social, or religious counselor  
10 or domestic violence victim advocate, indicating that the claimant is  
11 receiving counseling for domestic violence problems; or other  
12 reasonable documentation as may be established by the department in  
13 rule.

14       Payment of claims under subsection (7) of this section shall be  
15 from funds transferred from the temporary assistance for needy families  
16 block grant surplus, the temporary assistance for needy families state  
17 maintenance of effort funds, or a combination of both, and not from the  
18 unemployment insurance fund.

19       The department shall report annually to the legislature regarding  
20 the numbers of claimants under subsection (7) of this section, and the  
21 dollar amounts of claims paid. The identities of the claimants, for  
22 purposes of this report, shall be kept confidential.

23       An individual's eligibility period for regular benefits shall be  
24 coincident to his or her established benefit year. An individual's  
25 eligibility period for additional or extended benefits shall be the  
26 periods prescribed elsewhere in this title for such benefits.

27       **Sec. 2.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read  
28 as follows:

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

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

38       (a) The duration of the work;

1 (b) The extent of direction and control by the employer over the  
2 work; and

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

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

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

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

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

23 (d) The separation was necessary to protect the claimant or the  
24 claimant's family members from domestic violence, as defined in RCW  
25 26.50.010, or stalking, as defined in RCW 9A.46.110.

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

1 related circumstances have so changed as to amount to a substantial  
2 involuntary deterioration of the work factor or unless the commissioner  
3 determines that other related circumstances would work an unreasonable  
4 hardship on the individual were he or she required to continue in the  
5 employment.

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

--- END ---