

6885-S AMS KOHL STRU 040

1 On page 18, after line 31 insert the following:

2 "Sec. 8. RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each amended
3 to read as follows:

4 (1) With respect to claims that have an effective date before
5 January 4, 2004:

6 (a) 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 seven calendar
9 weeks and until he or she has obtained bona fide work in employment
10 covered by this title and earned wages in that employment equal to
11 seven 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 (i) The duration of the work;

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

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

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

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

25 (ii) 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;

1 (iii) He or she has left work to relocate for the spouse's
2 employment that is due to an employer-initiated mandatory transfer that
3 is outside the existing labor market area if the claimant remained
4 employed as long as was reasonable prior to the move; or

5 (iv) The separation was necessary to protect the claimant or the
6 claimant's immediate family members from domestic violence, as defined
7 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

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

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

1 services as are available through the department. This subsection does
2 not apply to individuals covered by (b)(ii) or (iii) of this
3 subsection.

4 (2) With respect to claims that have an effective date on or after
5 January 4, 2004:

6 (a) 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 seven calendar
9 weeks and until he or she has obtained bona fide work in employment
10 covered by this title and earned wages in that employment equal to
11 seven 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 (i) The duration of the work;

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

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

21 (b) An individual is not disqualified from benefits under (a) of
22 this subsection when:

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

25 (ii) The separation was necessary because of the illness or
26 disability of the claimant or the death, illness, or disability of a
27 member of the claimant's immediate family if:

28 (A) The claimant pursued all reasonable alternatives to preserve
29 his or her employment status by requesting a leave of absence, by
30 having promptly notified the employer of the reason for the absence,
31 and by having promptly requested reemployment when again able to assume
32 employment. These alternatives need not be pursued, however, when they
33 would have been a futile act, including those instances when the
34 futility of the act was a result of a recognized labor/management
35 dispatch system; and

36 (B) The claimant terminated his or her employment status, and is
37 not entitled to be reinstated to the same position or a comparable or
38 similar position;

1 (iii) He or she(~~(A)~~)left work to relocate for the spouse's
2 employment that, due to a mandatory military transfer(~~(I)~~)is
3 outside the existing labor market area; and (~~(II) is in Washington or~~
4 ~~another state that, pursuant to statute, does not consider such an~~
5 ~~individual to have left work voluntarily without good cause; and (B)~~
6)he or she remained employed as long as was reasonable prior to the
7 move;

8 (iv) The separation was necessary to protect the claimant or the
9 claimant's immediate family members from domestic violence, as defined
10 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

11 (v) The individual's usual compensation was reduced by twenty-five
12 percent or more;

13 (vi) The individual's usual hours were reduced by twenty-five
14 percent or more;

15 (vii) The individual's worksite changed, such change caused a
16 material increase in distance or difficulty of travel, and, after the
17 change, the commute was greater than is customary for workers in the
18 individual's job classification and labor market;

19 (viii) The individual's worksite safety deteriorated, the
20 individual reported such safety deterioration to the employer, and the
21 employer failed to correct the hazards within a reasonable period of
22 time;

23 (ix) The individual left work because of illegal activities in the
24 individual's worksite, the individual reported such activities to the
25 employer, and the employer failed to end such activities within a
26 reasonable period of time; or

27 (x) The individual's usual work was changed to work that violates
28 the individual's religious convictions or sincere moral beliefs."

29 Renumber the remaining subsections consecutively and correct any
30 internal references accordingly.

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EFFECT: Allows spouses who quit their jobs to follow their spouses because of military transfers to continue to qualify for unemployment compensation.