

HB 1486 - H AMD 782

By Representative Berry

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 50.04
4 RCW to read as follows:

5 "Vulnerable adult" has the same meaning as in RCW 74.34.020.

6 **Sec. 2.** RCW 50.20.050 and 2021 c 251 s 3 are each amended to
7 read as follows:

8 (1) With respect to separations that occur on or after September
9 6, 2009, and for separations that occur before April 4, 2021:

10 (a) A claimant shall be disqualified from benefits beginning with
11 the first day of the calendar week in which the claimant left work
12 voluntarily without good cause and thereafter for seven calendar
13 weeks and until the claimant obtains bona fide work in employment
14 covered by this title and earned wages in that employment equal to
15 seven times the claimant's weekly benefit amount. Good cause reasons
16 to leave work are limited to reasons listed in (b) of this
17 subsection.

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

- 22 (i) The duration of the work;
23 (ii) The extent of direction and control by the employer over the
24 work; and
25 (iii) The level of skill required for the work in light of the
26 claimant's training and experience.

27 (b) A claimant has good cause and is not disqualified from
28 benefits under (a) of this subsection only under the following
29 circumstances:

30 (i) The claimant has left work to accept a bona fide offer of
31 bona fide work as described in (a) of this subsection;

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

4 (A) The claimant pursued all reasonable alternatives to preserve
5 the claimant's employment status by requesting a leave of absence, by
6 having promptly notified the employer of the reason for the absence,
7 and by having promptly requested reemployment when again able to
8 assume employment. These alternatives need not be pursued, however,
9 when they would have been a futile act, including those instances
10 when the futility of the act was a result of a recognized labor/
11 management dispatch system; and

12 (B) The claimant terminated the claimant's employment status, and
13 is not entitled to be reinstated to the same position or a comparable
14 or similar position;

15 (iii) The claimant: (A) Left work to relocate for the employment
16 of a spouse or domestic partner that is outside the existing labor
17 market area; and (B) remained employed as long as was reasonable
18 prior to the move;

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

22 (v) The claimant's usual compensation was reduced by twenty-five
23 percent or more;

24 (vi) The claimant's usual hours were reduced by twenty-five
25 percent or more;

26 (vii) The claimant's worksite changed, such change caused a
27 material increase in distance or difficulty of travel, and, after the
28 change, the commute was greater than is customary for workers in the
29 claimant's job classification and labor market;

30 (viii) The claimant's worksite safety deteriorated, the claimant
31 reported such safety deterioration to the employer, and the employer
32 failed to correct the hazards within a reasonable period of time;

33 (ix) The claimant left work because of illegal activities in the
34 claimant's worksite, the claimant reported such activities to the
35 employer, and the employer failed to end such activities within a
36 reasonable period of time;

37 (x) The claimant's usual work was changed to work that violates
38 the claimant's religious convictions or sincere moral beliefs; or

39 (xi) The claimant left work to enter an apprenticeship program
40 approved by the Washington state apprenticeship training council.

1 Benefits are payable beginning Sunday of the week prior to the week
2 in which the claimant begins active participation in the
3 apprenticeship program.

4 (2) With respect to separations that occur on or after April 4,
5 2021:

6 (a) A claimant shall be disqualified from benefits beginning with
7 the first day of the calendar week in which the claimant has left
8 work voluntarily without good cause and thereafter for seven calendar
9 weeks and until the claimant has obtained bona fide work in
10 employment covered by this title and earned wages in that employment
11 equal to seven times the claimant's weekly benefit amount. Good cause
12 reasons to leave work are limited to reasons listed in (b) of this
13 subsection.

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

18 (i) The duration of the work;

19 (ii) The extent of direction and control by the employer over the
20 work; and

21 (iii) The level of skill required for the work in light of the
22 claimant's training and experience.

23 (b) A claimant has good cause and is not disqualified from
24 benefits under (a) of this subsection only under the following
25 circumstances:

26 (i) The claimant has left work to accept a bona fide offer of
27 bona fide work as described in (a) of this subsection;

28 (ii) The separation was necessary because ~~((of the))~~: Of the
29 illness or disability of the claimant ~~((or))~~; of the death, illness,
30 or disability of a member of the claimant's immediate family ~~((if))~~
31 for separations that occur before September 4, 2022; of the death,
32 illness, or disability of a family member for separations that occur
33 on or after September 4, 2022; or the care for a child or a
34 vulnerable adult in the claimant's care is inaccessible for
35 separations that occur on or after July 2, 2023, so long as:

36 (A) The claimant made reasonable efforts to preserve the
37 claimant's employment status by requesting ~~((a leave of absence, by~~
38 having promptly notified)) changes in working conditions or work
39 schedule that would accommodate the death, illness, disability, or
40 caregiving inaccessibility, or by requesting a leave of absence,

1 promptly notifying the employer of the reason for the absence, and
2 (~~by having promptly requested~~) promptly requesting reemployment
3 when again able to assume employment. These alternatives need not be
4 pursued, however, when they would have been a futile act, including
5 those instances when the futility of the act was a result of a
6 recognized labor/management dispatch system; and

7 (B) The claimant terminated the claimant's employment status, and
8 is not entitled to be reinstated to the same position or a comparable
9 or similar position;

10 (iii) The claimant: (A) Left work to relocate for the employment
11 of a spouse or domestic partner that is outside the existing labor
12 market area; and (B) remained employed as long as was reasonable
13 prior to the move;

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

17 (v) The claimant's usual compensation was reduced by twenty-five
18 percent or more;

19 (vi) (A) The claimant's usual hours were reduced by twenty-five
20 percent or more; or

21 (B) If, for separations that occur on or after July 2, 2023, the
22 claimant has had a regularly scheduled shift or split shift start or
23 end time for the prior 90 calendar days, and the employer, without
24 request by the claimant and not based on a system of seniority,
25 changes the regularly scheduled shift or split shift start or end
26 time by six or more hours for that shift on a nontemporary basis;

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

31 (viii) The claimant's worksite safety deteriorated, the claimant
32 reported such safety deterioration to the employer, and the employer
33 failed to correct the hazards within a reasonable period of time;

34 (ix) The claimant left work because of illegal activities in the
35 claimant's worksite, the claimant reported such activities to the
36 employer, and the employer failed to end such activities within a
37 reasonable period of time;

38 (x) The claimant's usual work was changed to work that violates
39 the claimant's religious convictions or sincere moral beliefs;

1 (xi) The claimant left work to enter an apprenticeship program
2 approved by the Washington state apprenticeship training council.
3 Benefits are payable beginning Sunday of the week prior to the week
4 in which the claimant begins active participation in the
5 apprenticeship program; ((~~or~~))

6 (xii) During a public health emergency:

7 (A) The claimant was unable to perform the claimant's work for
8 the employer from the claimant's home;

9 (B) The claimant is able to perform, available to perform, and
10 can actively seek suitable work which can be performed for an
11 employer from the claimant's home; and

12 (C) The claimant or another individual residing with the claimant
13 is at higher risk of severe illness or death from the disease that is
14 the subject of the public health emergency because the higher risk
15 individual:

16 (I) Was in an age category that is defined as high risk for the
17 disease that is the subject of the public health emergency by the
18 federal centers for disease control and prevention, the department of
19 health, or the equivalent agency in the state where the individual
20 resides; or

21 (II) Has an underlying health condition, verified as required by
22 the department by rule, that is identified as a risk factor for the
23 disease that is the subject of the public health emergency by the
24 federal centers for disease control and prevention, the department of
25 health, or the equivalent agency in the state where the individual
26 resides; or

27 (xiii) For separations that occur on or after July 2, 2023, the
28 claimant left work to relocate outside the existing labor market
29 because of the geographical location of, proximity to, or separation
30 from a minor child, where the claimant's parental rights to the minor
31 child have not been terminated.

32 (3) With respect to claims that occur on or after July 4, 2021, a
33 claimant has good cause and is not disqualified from benefits under
34 subsection (2)(a) of this section under the following circumstances,
35 in addition to those listed under subsection (2)(b) of this section,
36 if, during a public health emergency, the claimant worked at a health
37 care facility as defined in RCW 9A.50.010, was directly involved in
38 the delivery of health services, and left work for the period of
39 quarantine consistent with the recommended guidance from the United
40 States centers for disease control and prevention or subject to the

1 direction of the state or local health jurisdiction because of
2 exposure to or contracting the disease that is the subject of the
3 declaration of the public health emergency.

4 (4) Notwithstanding subsection (1) of this section, a claimant
5 who was simultaneously employed in full-time employment and part-time
6 employment and is otherwise eligible for benefits from the loss of
7 the full-time employment shall not be disqualified from benefits
8 because the claimant:

9 (a) Voluntarily quit the part-time employment before the loss of
10 the full-time employment; and

11 (b) Did not have prior knowledge that the claimant would be
12 separated from full-time employment.

13 **Sec. 3.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153
14 are each reenacted and amended to read as follows:

15 (1) With respect to separations that occur on or after September
16 6, 2009, and for separations that occur before April 4, 2021:

17 (a) A claimant shall be disqualified from benefits beginning with
18 the first day of the calendar week in which the claimant left work
19 voluntarily without good cause and thereafter for seven calendar
20 weeks and until the claimant obtains bona fide work in employment
21 covered by this title and earned wages in that employment equal to
22 seven times the claimant's weekly benefit amount. Good cause reasons
23 to leave work are limited to reasons listed in (b) of this
24 subsection.

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

29 (i) The duration of the work;

30 (ii) The extent of direction and control by the employer over the
31 work; and

32 (iii) The level of skill required for the work in light of the
33 claimant's training and experience.

34 (b) A claimant has good cause and is not disqualified from
35 benefits under (a) of this subsection only under the following
36 circumstances:

37 (i) The claimant has left work to accept a bona fide offer of
38 bona fide work as described in (a) of this subsection;

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

4 (A) The claimant pursued all reasonable alternatives to preserve
5 the claimant's employment status by requesting a leave of absence, by
6 having promptly notified the employer of the reason for the absence,
7 and by having promptly requested reemployment when again able to
8 assume employment. These alternatives need not be pursued, however,
9 when they would have been a futile act, including those instances
10 when the futility of the act was a result of a recognized labor/
11 management dispatch system; and

12 (B) The claimant terminated the claimant's employment status, and
13 is not entitled to be reinstated to the same position or a comparable
14 or similar position;

15 (iii) The claimant: (A) Left work to relocate for the employment
16 of a spouse or domestic partner that is outside the existing labor
17 market area; and (B) remained employed as long as was reasonable
18 prior to the move;

19 (iv) The separation was necessary to protect the claimant or the
20 claimant's immediate family members from domestic violence, as
21 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

22 (v) The claimant's usual compensation was reduced by twenty-five
23 percent or more;

24 (vi) The claimant's usual hours were reduced by twenty-five
25 percent or more;

26 (vii) The claimant's worksite changed, such change caused a
27 material increase in distance or difficulty of travel, and, after the
28 change, the commute was greater than is customary for workers in the
29 claimant's job classification and labor market;

30 (viii) The claimant's worksite safety deteriorated, the claimant
31 reported such safety deterioration to the employer, and the employer
32 failed to correct the hazards within a reasonable period of time;

33 (ix) The claimant left work because of illegal activities in the
34 claimant's worksite, the claimant reported such activities to the
35 employer, and the employer failed to end such activities within a
36 reasonable period of time;

37 (x) The claimant's usual work was changed to work that violates
38 the claimant's religious convictions or sincere moral beliefs; or

39 (xi) The claimant left work to enter an apprenticeship program
40 approved by the Washington state apprenticeship training council.

1 Benefits are payable beginning Sunday of the week prior to the week
2 in which the claimant begins active participation in the
3 apprenticeship program.

4 (2) With respect to separations that occur on or after April 4,
5 2021:

6 (a) A claimant shall be disqualified from benefits beginning with
7 the first day of the calendar week in which the claimant has left
8 work voluntarily without good cause and thereafter for seven calendar
9 weeks and until the claimant has obtained bona fide work in
10 employment covered by this title and earned wages in that employment
11 equal to seven times the claimant's weekly benefit amount. Good cause
12 reasons to leave work are limited to reasons listed in (b) of this
13 subsection.

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

18 (i) The duration of the work;

19 (ii) The extent of direction and control by the employer over the
20 work; and

21 (iii) The level of skill required for the work in light of the
22 claimant's training and experience.

23 (b) A claimant has good cause and is not disqualified from
24 benefits under (a) of this subsection only under the following
25 circumstances:

26 (i) The claimant has left work to accept a bona fide offer of
27 bona fide work as described in (a) of this subsection;

28 (ii) The separation was necessary because ~~((of the))~~: Of the
29 illness or disability of the claimant ~~((or))~~; of the death, illness,
30 or disability of a member of the claimant's immediate family ~~((if))~~
31 for separations that occur before September 4, 2022; of the death,
32 illness, or disability of a family member for separations that occur
33 on or after September 4, 2022; or the care for a child or a
34 vulnerable adult in the claimant's care is inaccessible for
35 separations that occur on or after July 2, 2023, so long as:

36 (A) The claimant made reasonable efforts to preserve the
37 claimant's employment status by requesting ~~((a leave of absence, by~~
38 having promptly notified)) changes in working conditions or work
39 schedule that would accommodate the death, illness, disability, or
40 caregiving inaccessibility, or by requesting a leave of absence,

1 promptly notifying the employer of the reason for the absence, and
2 (~~by having promptly requested~~) promptly requesting reemployment
3 when again able to assume employment. These alternatives need not be
4 pursued, however, when they would have been a futile act, including
5 those instances when the futility of the act was a result of a
6 recognized labor/management dispatch system; and

7 (B) The claimant terminated the claimant's employment status, and
8 is not entitled to be reinstated to the same position or a comparable
9 or similar position;

10 (iii) The claimant: (A) Left work to relocate for the employment
11 of a spouse or domestic partner that is outside the existing labor
12 market area; and (B) remained employed as long as was reasonable
13 prior to the move;

14 (iv) The separation was necessary to protect the claimant or the
15 claimant's immediate family members from domestic violence, as
16 defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

17 (v) The claimant's usual compensation was reduced by twenty-five
18 percent or more;

19 (vi) (A) The claimant's usual hours were reduced by twenty-five
20 percent or more; or

21 (B) If, for separations that occur on or after July 2, 2023, the
22 claimant has had a regularly scheduled shift or split shift start or
23 end time for the prior 90 calendar days, and the employer, without
24 request by the claimant and not based on a system of seniority,
25 changes the regularly scheduled shift or split shift start or end
26 time by six or more hours for that shift on a nontemporary basis;

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

31 (viii) The claimant's worksite safety deteriorated, the claimant
32 reported such safety deterioration to the employer, and the employer
33 failed to correct the hazards within a reasonable period of time;

34 (ix) The claimant left work because of illegal activities in the
35 claimant's worksite, the claimant reported such activities to the
36 employer, and the employer failed to end such activities within a
37 reasonable period of time;

38 (x) The claimant's usual work was changed to work that violates
39 the claimant's religious convictions or sincere moral beliefs;

1 (xi) The claimant left work to enter an apprenticeship program
2 approved by the Washington state apprenticeship training council.
3 Benefits are payable beginning Sunday of the week prior to the week
4 in which the claimant begins active participation in the
5 apprenticeship program; ((~~or~~))

6 (xii) During a public health emergency:

7 (A) The claimant was unable to perform the claimant's work for
8 the employer from the claimant's home;

9 (B) The claimant is able to perform, available to perform, and
10 can actively seek suitable work which can be performed for an
11 employer from the claimant's home; and

12 (C) The claimant or another individual residing with the claimant
13 is at higher risk of severe illness or death from the disease that is
14 the subject of the public health emergency because the higher risk
15 individual:

16 (I) Was in an age category that is defined as high risk for the
17 disease that is the subject of the public health emergency by the
18 federal centers for disease control and prevention, the department of
19 health, or the equivalent agency in the state where the individual
20 resides; or

21 (II) Has an underlying health condition, verified as required by
22 the department by rule, that is identified as a risk factor for the
23 disease that is the subject of the public health emergency by the
24 federal centers for disease control and prevention, the department of
25 health, or the equivalent agency in the state where the individual
26 resides; or

27 (xiii) For separations that occur on or after July 2, 2023, the
28 claimant left work to relocate outside the existing labor market
29 because of the geographical location of, proximity to, or separation
30 from a minor child, where the claimant's parental rights to the minor
31 child have not been terminated.

32 (3) With respect to claims that occur on or after July 4, 2021, a
33 claimant has good cause and is not disqualified from benefits under
34 subsection (2)(a) of this section under the following circumstances,
35 in addition to those listed under subsection (2)(b) of this section,
36 if, during a public health emergency, the claimant worked at a health
37 care facility as defined in RCW 9A.50.010, was directly involved in
38 the delivery of health services, and left work for the period of
39 quarantine consistent with the recommended guidance from the United
40 States centers for disease control and prevention or subject to the

1 direction of the state or local health jurisdiction because of
2 exposure to or contracting the disease that is the subject of the
3 declaration of the public health emergency.

4 (4) Notwithstanding subsection (1) of this section, a claimant
5 who was simultaneously employed in full-time employment and part-time
6 employment and is otherwise eligible for benefits from the loss of
7 the full-time employment shall not be disqualified from benefits
8 because the claimant:

9 (a) Voluntarily quit the part-time employment before the loss of
10 the full-time employment; and

11 (b) Did not have prior knowledge that the claimant would be
12 separated from full-time employment.

13 **Sec. 4.** RCW 50.29.021 and 2021 c 251 s 4 are each amended to
14 read as follows:

15 (1)(a) An experience rating account shall be established and
16 maintained for each employer, except employers as described in RCW
17 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
18 payments in lieu of contributions, taxable local government employers
19 as described in RCW 50.44.035, and those employers who are required
20 to make payments in lieu of contributions, based on existing records
21 of the employment security department.

22 (b) Benefits paid to an eligible individual shall be charged to
23 the experience rating accounts of each of such individual's employers
24 during the individual's base year in the same ratio that the wages
25 paid by each employer to the individual during the base year bear to
26 the wages paid by all employers to that individual during that base
27 year, except as otherwise provided in this section.

28 (c) When the eligible individual's separating employer is a
29 covered contribution paying base year employer, benefits paid to the
30 eligible individual shall be charged to the experience rating account
31 of only the individual's separating employer if the individual
32 qualifies for benefits under:

33 (i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and
34 became unemployed after having worked and earned wages in the bona
35 fide work;

36 (ii) RCW 50.20.050 (1)(b)(v) through (x) or (2)(b)(v) through
37 (x); or

38 (iii) During a public health emergency, the claimant worked at a
39 health care facility as defined in RCW 9A.50.010, was directly

1 involved in the delivery of health services, and was terminated from
2 work due to entering quarantine because of exposure to or contracting
3 the disease that is the subject of the declaration of the public
4 health emergency.

5 (2) The legislature finds that certain benefit payments, in whole
6 or in part, should not be charged to the experience rating accounts
7 of employers except those employers described in RCW 50.44.010,
8 50.44.030, and 50.50.030 who have properly elected to make payments
9 in lieu of contributions, taxable local government employers
10 described in RCW 50.44.035, and those employers who are required to
11 make payments in lieu of contributions, as follows:

12 (a) Benefits paid to any individual later determined to be
13 ineligible shall not be charged to the experience rating account of
14 any contribution paying employer, except as provided in subsection
15 (4) of this section.

16 (b) Benefits paid to an individual filing under the provisions of
17 chapter 50.06 RCW shall not be charged to the experience rating
18 account of any contribution paying employer only if:

19 (i) The individual files under RCW 50.06.020(1) after receiving
20 crime victims' compensation for a disability resulting from a
21 nonwork-related occurrence; or

22 (ii) The individual files under RCW 50.06.020(2).

23 (c) Benefits paid which represent the state's share of benefits
24 payable as extended benefits defined under RCW 50.22.010(6) shall not
25 be charged to the experience rating account of any contribution
26 paying employer.

27 (d) In the case of individuals who requalify for benefits under
28 RCW 50.20.050 or 50.20.060, benefits based on wage credits earned
29 prior to the disqualifying separation shall not be charged to the
30 experience rating account of the contribution paying employer from
31 whom that separation took place.

32 (e) Benefits paid to an individual who qualifies for benefits
33 under RCW 50.20.050(1)(b) (iv) or (xi), (2)(b) (iv), (xi), (~~(xii)~~)
34 (xii), or (xiii), or (3), as applicable, shall not be charged to the
35 experience rating account of any contribution paying employer.

36 (f) Benefits paid that exceed the benefits that would have been
37 paid if the weekly benefit amount for the claim had been determined
38 as one percent of the total wages paid in the individual's base year
39 shall not be charged to the experience rating account of any
40 contribution paying employer. This subsection (2)(f) does not apply

1 to the calculation of contribution rates under RCW 50.29.025 for rate
2 year 2010 and thereafter.

3 (g) Upon approval of an individual's training benefits plan
4 submitted in accordance with RCW 50.22.155(2), an individual is
5 considered enrolled in training, and regular benefits beginning with
6 the week of approval shall not be charged to the experience rating
7 account of any contribution paying employer.

8 (h) Training benefits paid to an individual under RCW 50.22.155
9 shall not be charged to the experience rating account of any
10 contribution paying employer.

11 (i)(i) Benefits paid during the one week waiting period when the
12 one week waiting period is fully paid or fully reimbursed by the
13 federal government shall not be charged to the experience rating
14 account of any contribution paying employer.

15 (ii) In the event the one week waiting period is partially paid
16 or partially reimbursed by the federal government, the department
17 may, by rule, elect to not charge, in full or in part, benefits paid
18 during the one week waiting period to the experience rating account
19 of any contribution paying employer.

20 (j) Benefits paid for all weeks starting with the week ending
21 March 28, 2020, and ending with the week ending May 30, 2020, shall
22 not be charged to the experience rating account of any contribution
23 paying employer.

24 (3)(a) A contribution paying base year employer, except employers
25 as provided in subsection (5) of this section, not otherwise eligible
26 for relief of charges for benefits under this section, may receive
27 such relief if the benefit charges result from payment to an
28 individual who:

29 (i) Last left the employ of such employer voluntarily for reasons
30 not attributable to the employer;

31 (ii) Was discharged for misconduct or gross misconduct connected
32 with his or her work not a result of inability to meet the minimum
33 job requirements;

34 (iii) Is unemployed as a result of closure or severe curtailment
35 of operation at the employer's plant, building, worksite, or other
36 facility. This closure must be for reasons directly attributable to a
37 catastrophic occurrence such as fire, flood, or other natural
38 disaster, or to the presence of any dangerous, contagious, or
39 infectious disease that is the subject of a public health emergency
40 at the employer's plant, building, worksite, or other facility;

1 (iv) Continues to be employed on a regularly scheduled permanent
2 part-time basis by a base year employer and who at some time during
3 the base year was concurrently employed and subsequently separated
4 from at least one other base year employer. Benefit charge relief
5 ceases when the employment relationship between the employer
6 requesting relief and the claimant is terminated. This subsection
7 does not apply to shared work employers under chapter 50.60 RCW;

8 (v) Continues to be employed on a regularly scheduled permanent
9 part-time basis by a base year employer and who qualified for two
10 consecutive unemployment claims where wages were attributable to at
11 least one employer who employed the individual in both base years.
12 Benefit charge relief ceases when the employment relationship between
13 the employer requesting relief and the claimant is terminated. This
14 subsection does not apply to shared work employers under chapter
15 50.60 RCW;

16 (vi) Was hired to replace an employee who is a member of the
17 military reserves or National Guard and was called to federal active
18 military service by the president of the United States and is
19 subsequently laid off when that employee is reemployed by their
20 employer upon release from active duty within the time provided for
21 reemployment in RCW 73.16.035;

22 (vii) Worked for an employer for 20 weeks or less, and was laid
23 off at the end of temporary employment when that employee temporarily
24 replaced a permanent employee receiving family or medical leave
25 benefits under Title 50A RCW, and the layoff is due to the return of
26 that permanent employee. This subsection (3)(a)(vii) applies to
27 claims with an effective date on or after January 1, 2020; or

28 (viii) Was discharged because the individual was unable to
29 satisfy a job prerequisite required by law or administrative rule.

30 (b) The employer requesting relief of charges under this
31 subsection must request relief in writing within (~~(thirty)~~) 30 days
32 following mailing to the last known address of the notification of
33 the valid initial determination of such claim, stating the date and
34 reason for the separation or the circumstances of continued
35 employment. The commissioner, upon investigation of the request,
36 shall determine whether relief should be granted.

37 (4) When a benefit claim becomes invalid due to an amendment or
38 adjustment of a report where the employer failed to report or
39 inaccurately reported hours worked or remuneration paid, or both, all
40 benefits paid will be charged to the experience rating account of the

1 contribution paying employer or employers that originally filed the
2 incomplete or inaccurate report or reports. An employer who
3 reimburses the trust fund for benefits paid to workers and who fails
4 to report or inaccurately reported hours worked or remuneration paid,
5 or both, shall reimburse the trust fund for all benefits paid that
6 are based on the originally filed incomplete or inaccurate report or
7 reports.

8 (5) An employer's experience rating account may not be relieved
9 of charges for a benefit payment and an employer who reimburses the
10 trust fund for benefit payments may not be credited for a benefit
11 payment if a benefit payment was made because the employer or
12 employer's agent failed to respond timely or adequately to a written
13 request of the department for information relating to the claim or
14 claims without establishing good cause for the failure and the
15 employer or employer's agent has a pattern of such failures. The
16 commissioner has the authority to determine whether the employer has
17 good cause under this subsection.

18 (a) For the purposes of this subsection, "adequately" means
19 providing accurate information of sufficient quantity and quality
20 that would allow a reasonable person to determine eligibility for
21 benefits.

22 (b) (i) For the purposes of this subsection, "pattern" means a
23 benefit payment was made because the employer or employer's agent
24 failed to respond timely or adequately to a written request of the
25 department for information relating to a claim or claims without
26 establishing good cause for the failure, if the greater of the
27 following calculations for an employer is met:

28 (A) At least three times in the previous two years; or

29 (B) Twenty percent of the total current claims against the
30 employer.

31 (ii) If an employer's agent is utilized, a pattern is established
32 based on each individual client employer that the employer's agent
33 represents.

34 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
35 conflict with federal requirements that are a prescribed condition to
36 the allocation of federal funds to the state or the eligibility of
37 employers in this state for federal unemployment tax credits, the
38 conflicting part of this act is inoperative solely to the extent of
39 the conflict, and the finding or determination does not affect the

1 operation of the remainder of this act. Rules adopted under this act
2 must meet federal requirements that are a necessary condition to the
3 receipt of federal funds by the state or the granting of federal
4 unemployment tax credits to employers in this state.

5 NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1,
6 2022.

7 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect July 1,
8 2022."

9 Correct the title.

EFFECT: Removes provisions adding consideration of caregiving responsibilities to the availability for work and suitability of work determinations. Modifies the good cause quit for changes to work shifts that make caregiving inaccessible to apply to claimants whose regularly scheduled shift start or end time is moved under certain conditions. Provides that the good cause quit for relocation near a minor child applies to claimants whose parental rights have not been terminated. Modifies the sequence of actions required to attempt to maintain employment before certain quits related to illness, death, or caregiving inaccessibility. Moves application of the new good cause quit provisions one year forward from July 3, 2022 to July 2, 2023, and provides an application date of September 4, 2022 to other provisions. Updates underlying statutory sections and makes other technical corrections.

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