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**SENATE BILL 5064**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Saldaña, Wilson, C., Das, Hasegawa, Keiser, Kuderer, Lovelett, Nguyen, and Stanford

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1 AN ACT Relating to qualifications for unemployment insurance when  
2 an individual voluntarily leaves work; amending RCW 50.20.010,  
3 50.20.100, and 50.29.021; reenacting and amending RCW 50.20.050;  
4 adding a new section to chapter 50.04 RCW; and creating a new  
5 section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.04  
8 RCW to read as follows:

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

10 **Sec. 2.** RCW 50.20.010 and 2020 c 7 s 8 are each amended to read  
11 as follows:

12 (1) An unemployed individual shall be eligible to receive waiting  
13 period credits or benefits with respect to any week in his or her  
14 eligibility period only if the commissioner finds that:

15 (a) (~~He or she~~) The individual has registered for work at, and  
16 thereafter has continued to report at, an employment office in  
17 accordance with such regulation as the commissioner may prescribe,  
18 except that the commissioner may by regulation waive or alter either  
19 or both of the requirements of this subdivision as to individuals  
20 attached to regular jobs and as to such other types of cases or

1 situations with respect to which the commissioner finds that the  
2 compliance with such requirements would be oppressive, or would be  
3 inconsistent with the purposes of this title;

4 (b) (~~He or she~~) The individual has filed an application for an  
5 initial determination and made a claim for waiting period credit or  
6 for benefits in accordance with the provisions of this title;

7 (c) (~~He or she~~) The individual is able to work, and is  
8 available for work in any trade, occupation, profession, or business  
9 for which (~~he or she~~) the individual is reasonably fitted.

10 (i) To be available for work, an individual must be ready, able,  
11 and willing, immediately to accept any suitable work which may be  
12 offered to him or her and must be actively seeking work pursuant to  
13 customary trade practices and through other methods when so directed  
14 by the commissioner or the commissioner's agents. If a labor  
15 agreement or dispatch rules apply, customary trade practices must be  
16 in accordance with the applicable agreement or rules.

17 (ii) Until June 30, 2021, an individual under quarantine or  
18 isolation, as defined by the department of health, as directed by a  
19 public health official during the novel coronavirus outbreak pursuant  
20 to the gubernatorial declaration of emergency of February 29, 2020,  
21 will meet the requirements of this subsection (1)(c) if the  
22 individual is able to perform, available to perform, and actively  
23 seeking work which can be performed while under quarantine or  
24 isolation.

25 (iii) For the purposes of this subsection, "customary trade  
26 practices" includes compliance with an electrical apprenticeship  
27 training program that includes a recognized referral system under  
28 apprenticeship program standards approved by the Washington state  
29 apprenticeship and training council;

30 (d) (~~He or she~~) The individual has been unemployed for a  
31 waiting period of one week;

32 (e) (~~He or she~~) The individual participates in reemployment  
33 services if the individual has been referred to reemployment services  
34 pursuant to the profiling system established by the commissioner  
35 under RCW 50.20.011, unless the commissioner determines that:

36 (i) The individual has completed such services; or

37 (ii) There is justifiable cause for the claimant's failure to  
38 participate in such services; and

39 (f) As to weeks (~~beginning after March 31, 1981,~~) which fall  
40 within an extended benefit period as defined in RCW 50.22.010, the

1 individual meets the terms and conditions of RCW 50.22.020 with  
2 respect to benefits claimed in excess of twenty-six times the  
3 individual's weekly benefit amount.

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

8 (3) Notwithstanding the requirements of subsections (1) and (2)  
9 of this section, individuals with caregiving responsibilities may  
10 restrict their hours or days of availability if they show that there  
11 is no other person to provide the care within their means, and that  
12 there is still a substantial market of employment open to them after  
13 the restrictions.

14 **Sec. 3.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1 are  
15 each reenacted and amended to read as follows:

16 (1) With respect to ~~((claims that have an effective date on or~~  
17 ~~after January 4, 2004, and for separations that occur before~~  
18 ~~September 6, 2009))~~ separations that occur on or after September 6,  
19 2009, and for separations that occur before August 1, 2021:

20 (a) ~~((An individual))~~ A claimant shall be disqualified from  
21 benefits beginning with the first day of the calendar week in which  
22 ~~((he or she has))~~ the claimant left work voluntarily without good  
23 cause and thereafter for seven calendar weeks and until ~~((he or she~~  
24 ~~has obtained))~~ the claimant obtains bona fide work in employment  
25 covered by this title and earned wages in that employment equal to  
26 seven times ~~((his or her))~~ the claimant's weekly benefit amount. Good  
27 cause reasons to leave work are limited to reasons listed in (b) of  
28 this subsection.

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

33 (i) The duration of the work;

34 (ii) The extent of direction and control by the employer over the  
35 work; and

36 (iii) The level of skill required for the work in light of the  
37 ~~((individual's))~~ the claimant's training and experience.

1 (b) (~~An individual~~) A claimant has good cause and is not  
2 disqualified from benefits under (a) of this subsection (~~when~~) only  
3 under the following circumstances:

4 (i) (~~He or she~~) The claimant has left work to accept a bona  
5 fide offer of bona fide work as described in (a) of this subsection;

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

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

17 (B) The claimant terminated (~~his or her~~) the claimant's  
18 employment status, and is not entitled to be reinstated to the same  
19 position or a comparable or similar position;

20 (iii) (~~(A) With respect to claims that have an effective date~~  
21 ~~before July 2, 2006, he or she: (I))~~ The claimant: (A) Left work to  
22 relocate for the (spouse's) employment (that, due to a mandatory  
23 military transfer: (1) Is outside the existing labor market area; and  
24 (2) is in Washington or another state that, pursuant to statute, does  
25 not consider such an individual to have left work voluntarily without  
26 good cause; and (II) remained employed as long as was reasonable  
27 prior to the move;

28 ~~(B) With respect to claims that have an effective date on or~~  
29 ~~after July 2, 2006, he or she: (I) Left work to relocate for the~~  
30 ~~spouse's employment that, due to a mandatory military transfer, is~~  
31 ~~outside the existing labor market area; and (II) remained employed as~~  
32 ~~long as was reasonable prior to the move))~~ of a spouse or domestic  
33 partner that is outside the existing labor market area; and (B)  
34 remained employed as long as was reasonable prior to the move;

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

38 (v) The (~~individual's~~) claimant's usual compensation was  
39 reduced by twenty-five percent or more;

1 (vi) The (~~individual's~~) claimant's usual hours were reduced by  
2 twenty-five percent or more;

3 (vii) The (~~individual's~~) claimant's worksite changed, such  
4 change caused a material increase in distance or difficulty of  
5 travel, and, after the change, the commute was greater than is  
6 customary for workers in the (~~individual's~~) claimant's job  
7 classification and labor market;

8 (viii) The (~~individual's~~) claimant's worksite safety  
9 deteriorated, the (~~individual~~) claimant reported such safety  
10 deterioration to the employer, and the employer failed to correct the  
11 hazards within a reasonable period of time;

12 (ix) The (~~individual~~) claimant left work because of illegal  
13 activities in the (~~individual's~~) claimant's worksite, the  
14 (~~individual~~) claimant reported such activities to the employer, and  
15 the employer failed to end such activities within a reasonable period  
16 of time;

17 (x) The (~~individual's~~) claimant's usual work was changed to  
18 work that violates the (~~individual's~~) claimant's religious  
19 convictions or sincere moral beliefs; or

20 (xi) The (~~individual~~) claimant left work to enter an  
21 apprenticeship program approved by the Washington state  
22 apprenticeship training council. Benefits are payable beginning  
23 Sunday of the week prior to the week in which the (~~individual~~)  
24 claimant begins active participation in the apprenticeship program.

25 (2) With respect to separations that occur on or after  
26 (~~September 6, 2009~~) August 1, 2021:

27 (a) (~~An individual~~) A claimant shall be disqualified from  
28 benefits beginning with the first day of the calendar week in which  
29 (~~he or she~~) the claimant has left work voluntarily without good  
30 cause and thereafter for seven calendar weeks and until (~~he or she~~)  
31 the claimant has obtained bona fide work in employment covered by  
32 this title and earned wages in that employment equal to seven times  
33 (~~his or her~~) the claimant's weekly benefit amount. Good cause  
34 reasons to leave work are limited to reasons listed in (b) of this  
35 subsection.

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

40 (i) The duration of the work;

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

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

5 (b) (~~An individual~~) A claimant has good cause and is not  
6 disqualified from benefits under (a) of this subsection only under  
7 the following circumstances:

8 (i) (~~He or she~~) The claimant has left work to accept a bona  
9 fide offer of bona fide work as described in (a) of this subsection;

10 (ii) The separation was necessary because of the illness or  
11 disability of the claimant or the death, illness, or disability of a  
12 (~~member of the claimant's immediate family if~~) family member, or  
13 because care for a child or a vulnerable adult in the claimant's care  
14 is inaccessible, so long as:

15 (A) The claimant (~~pursued all reasonable alternatives~~) made  
16 reasonable efforts to preserve (~~his or her~~) the claimant's  
17 employment status by requesting a leave of absence or changes in  
18 working conditions or work schedule that would accommodate the death,  
19 illness, disability, or caregiving inaccessibility, by having  
20 promptly notified the employer of the reason for the absence, and by  
21 having promptly requested reemployment when again able to assume  
22 employment. These alternatives need not be pursued, however, when  
23 they would have been a futile act, including those instances when the  
24 futility of the act was a result of a recognized labor/management  
25 dispatch system; and

26 (B) The claimant terminated (~~his or her~~) the claimant's  
27 employment status, and is not entitled to be reinstated to the same  
28 position or a comparable or similar position;

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

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

36 (v) The (~~individual's~~) claimant's usual compensation was  
37 reduced by twenty-five percent or more;

38 (vi) The (~~individual's~~) claimant's usual hours were reduced by  
39 twenty-five percent or more;

1 (vii) The (~~individual's~~) claimant's worksite changed, such  
2 change caused a material increase in distance or difficulty of  
3 travel, and, after the change, the commute was greater than is  
4 customary for workers in the individual's job classification and  
5 labor market;

6 (viii) The (~~individual's~~) claimant's worksite safety  
7 deteriorated, the (~~individual~~) claimant reported such safety  
8 deterioration to the employer, and the employer failed to correct the  
9 hazards within a reasonable period of time;

10 (ix) The (~~individual~~) claimant left work because of illegal  
11 activities in the (~~individual's~~) claimant's worksite, the  
12 (~~individual~~) claimant reported such activities to the employer, and  
13 the employer failed to end such activities within a reasonable period  
14 of time;

15 (x) The (~~individual's~~) claimant's usual work was changed to  
16 work that violates the (~~individual's~~) claimant's religious  
17 convictions or sincere moral beliefs; (~~or~~)

18 (xi) The (~~individual~~) claimant left work to enter an  
19 apprenticeship program approved by the Washington state  
20 apprenticeship training council. Benefits are payable beginning  
21 Sunday of the week prior to the week in which the (~~individual~~)  
22 claimant begins active participation in the apprenticeship program;

23 (xii) The claimant's usual work shifts were altered so as to make  
24 care for a child or vulnerable adult in the claimant's care  
25 inaccessible; or

26 (xiii) The claimant left work to relocate outside the existing  
27 labor market because of the geographical location of or proximity to  
28 and the separation from a minor child.

29 (3) Notwithstanding subsection (~~(2)~~) (1) of this section, (~~for~~  
30 ~~separations occurring on or after July 26, 2009, an individual~~) a  
31 claimant who was simultaneously employed in full-time employment and  
32 part-time employment and is otherwise eligible for benefits from the  
33 loss of the full-time employment shall not be disqualified from  
34 benefits because the (~~individual~~) claimant:

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

37 (b) Did not have prior knowledge that (~~he or she~~) the claimant  
38 would be separated from full-time employment.

1       **Sec. 4.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to  
2 read as follows:

3       (1) Suitable work for an individual is employment in an  
4 occupation in keeping with the individual's prior work experience,  
5 education, or training and if the individual has no prior work  
6 experience, special education, or training for employment available  
7 in the general area, then employment which the individual would have  
8 the physical and mental ability to perform. In determining whether  
9 work is suitable for an individual, the commissioner shall also  
10 consider the degree of risk involved to the individual's health,  
11 safety, and morals, the individual's physical fitness, the  
12 individual's length of unemployment and prospects for securing local  
13 work in the individual's customary occupation, the distance of the  
14 available work from the individual's residence, the individual's  
15 responsibilities to provide care for a child or vulnerable adult in  
16 the individual's care, and such other factors as the commissioner may  
17 deem pertinent, including state and national emergencies.

18       (2) For individuals with base year work experience in  
19 agricultural labor, any agricultural labor available from any  
20 employer shall be deemed suitable unless it meets conditions in RCW  
21 50.20.110 or the commissioner finds elements of specific work  
22 opportunity unsuitable for a particular individual.

23       (3) For part-time workers as defined in RCW 50.20.119, suitable  
24 work includes suitable work under subsection (1) of this section that  
25 is for seventeen or fewer hours per week.

26       (4) For individuals who have qualified for unemployment  
27 compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv),  
28 as applicable, an evaluation of the suitability of the work must  
29 consider the individual's need to address the physical,  
30 psychological, legal, and other effects of domestic violence or  
31 stalking.

32       **Sec. 5.** RCW 50.29.021 and 2020 c 86 s 3 are each amended to read  
33 as follows:

34       (1)(a) An experience rating account shall be established and  
35 maintained for each employer, except employers as described in RCW  
36 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
37 payments in lieu of contributions, taxable local government employers  
38 as described in RCW 50.44.035, and those employers who are required



1 to make payments in lieu of contributions, based on existing records  
2 of the employment security department.

3 (b) Benefits paid to an eligible individual shall be charged to  
4 the experience rating accounts of each of such individual's employers  
5 during the individual's base year in the same ratio that the wages  
6 paid by each employer to the individual during the base year bear to  
7 the wages paid by all employers to that individual during that base  
8 year, except as otherwise provided in this section.

9 (c) When the eligible individual's separating employer is a  
10 covered contribution paying base year employer, benefits paid to the  
11 eligible individual shall be charged to the experience rating account  
12 of only the individual's separating employer if the individual  
13 qualifies for benefits under:

14 (i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and  
15 became unemployed after having worked and earned wages in the bona  
16 fide work; (~~(e)~~)

17 (ii) RCW 50.20.050 (1)(b)(v) through (x) or (2)(b)(v) through  
18 (x); or

19 (iii) RCW 50.20.050(2)(b)(xii).

20 (2) The legislature finds that certain benefit payments, in whole  
21 or in part, should not be charged to the experience rating accounts  
22 of employers except those employers described in RCW 50.44.010,  
23 50.44.030, and 50.50.030 who have properly elected to make payments  
24 in lieu of contributions, taxable local government employers  
25 described in RCW 50.44.035, and those employers who are required to  
26 make payments in lieu of contributions, as follows:

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

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

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

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

38 (c) Benefits paid which represent the state's share of benefits  
39 payable as extended benefits defined under RCW 50.22.010(6) shall not

1 be charged to the experience rating account of any contribution  
2 paying employer.

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

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

12 ~~((With respect to claims with an effective date on or after  
13 the first Sunday following April 22, 2005, benefits))~~ Benefits paid  
14 that exceed the benefits that would have been paid if the weekly  
15 benefit amount for the claim had been determined as one percent of  
16 the total wages paid in the individual's base year shall not be  
17 charged to the experience rating account of any contribution paying  
18 employer. This subsection (2)(f) does not apply to the calculation of  
19 contribution rates under RCW 50.29.025 for rate year 2010 and  
20 thereafter.

21 ~~((The forty-five dollar increase paid as part of an  
22 individual's weekly benefit amount as provided in RCW 50.20.1201 and  
23 the twenty-five dollar increase paid as part of an individual's  
24 weekly benefit amount as provided in RCW 50.20.1202 shall not be  
25 charged to the experience rating account of any contribution paying  
26 employer.~~

27 ~~((h) With respect to claims where the minimum amount payable  
28 weekly is increased to one hundred fifty-five dollars pursuant to RCW  
29 50.20.1201(3), benefits paid that exceed the benefits that would have  
30 been paid if the minimum amount payable weekly had been calculated  
31 pursuant to RCW 50.20.120 shall not be charged to the experience  
32 rating account of any contribution paying employer.~~

33 ~~((i))~~ Upon approval of an individual's training benefits plan  
34 submitted in accordance with RCW 50.22.155(2), an individual is  
35 considered enrolled in training, and regular benefits beginning with  
36 the week of approval shall not be charged to the experience rating  
37 account of any contribution paying employer.

38 ~~((j))~~ (h) Training benefits paid to an individual under RCW  
39 50.22.155 shall not be charged to the experience rating account of  
40 any contribution paying employer.

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

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

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

11 (iii) Is unemployed as a result of closure or severe curtailment  
12 of operation at the employer's plant, building, worksite, or other  
13 facility. This closure must be for reasons directly attributable to a  
14 catastrophic occurrence such as fire, flood, or other natural  
15 disaster;

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

23 (v) Continues to be employed on a regularly scheduled permanent  
24 part-time basis by a base year employer and who qualified for two  
25 consecutive unemployment claims where wages were attributable to at  
26 least one employer who employed the individual in both base years.  
27 Benefit charge relief ceases when the employment relationship between  
28 the employer requesting relief and the claimant is terminated. This  
29 subsection does not apply to shared work employers under chapter  
30 50.60 RCW;

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

37 (vii) Worked for an employer for (~~twenty~~) 20 weeks or less, and  
38 was laid off at the end of temporary employment when that employee  
39 temporarily replaced a permanent employee receiving family or medical  
40 leave benefits under Title 50A RCW, and the layoff is due to the

1 return of that permanent employee. This subsection (3)(a)(vii)  
2 applies to claims with an effective date on or after January 1, 2020;  
3 or

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

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

13 (4) When a benefit claim becomes invalid due to an amendment or  
14 adjustment of a report where the employer failed to report or  
15 inaccurately reported hours worked or remuneration paid, or both, all  
16 benefits paid will be charged to the experience rating account of the  
17 contribution paying employer or employers that originally filed the  
18 incomplete or inaccurate report or reports. An employer who  
19 reimburses the trust fund for benefits paid to workers and who fails  
20 to report or inaccurately reported hours worked or remuneration paid,  
21 or both, shall reimburse the trust fund for all benefits paid that  
22 are based on the originally filed incomplete or inaccurate report or  
23 reports.

24 (5) An employer's experience rating account may not be relieved  
25 of charges for a benefit payment and an employer who reimburses the  
26 trust fund for benefit payments may not be credited for a benefit  
27 payment if a benefit payment was made because the employer or  
28 employer's agent failed to respond timely or adequately to a written  
29 request of the department for information relating to the claim or  
30 claims without establishing good cause for the failure and the  
31 employer or employer's agent has a pattern of such failures. The  
32 commissioner has the authority to determine whether the employer has  
33 good cause under this subsection.

34 (a) For the purposes of this subsection, "adequately" means  
35 providing accurate information of sufficient quantity and quality  
36 that would allow a reasonable person to determine eligibility for  
37 benefits.

38 (b)(i) For the purposes of this subsection, "pattern" means a  
39 benefit payment was made because the employer or employer's agent  
40 failed to respond timely or adequately to a written request of the

1 department for information relating to a claim or claims without  
2 establishing good cause for the failure, if the greater of the  
3 following calculations for an employer is met:

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

5 (B) (~~Twenty~~) 20 percent of the total current claims against the  
6 employer.

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

10 NEW SECTION. **Sec. 6.** If any part of this act is found to be in  
11 conflict with federal requirements that are a prescribed condition to  
12 the allocation of federal funds to the state or the eligibility of  
13 employers in this state for federal unemployment tax credits, the  
14 conflicting part of this act is inoperative solely to the extent of  
15 the conflict, and the finding or determination does not affect the  
16 operation of the remainder of this act. Rules adopted under this act  
17 must meet federal requirements that are a necessary condition to the  
18 receipt of federal funds by the state or the granting of federal  
19 unemployment tax credits to employers in this state.

--- END ---