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SENATE BILL 5461

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Vognild, Prentice and Sutherland

Read first time 01/29/93. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to disqualification from unemployment benefits;  
2 amending RCW 50.20.050 and 50.20.060; adding a new section to chapter  
3 50.20 RCW; and creating new sections.

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

5            NEW SECTION.    **Sec. 1.**            The legislature recognizes that  
6 unemployment insurance provides partial replacement of lost wages for  
7 unemployed workers. Further, the legislature finds that eligibility  
8 for unemployment benefits is primarily related to the separation from  
9 employment immediately preceding the period of unemployment.  
10 Accordingly, it is the intent of the legislature that adjudication of  
11 a claimant's eligibility for benefits be limited to the claimant's most  
12 recent separation.

13            **Sec. 2.** RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended  
14 to read as follows:

15            (1) An individual shall be disqualified from benefits beginning  
16 with the first day of the calendar week in which he or she has left the  
17 most recent work voluntarily without good cause and thereafter until he  
18 or she has obtained bona fide work and earned wages of not less than

1 his or her suspended weekly benefit amount in each of five calendar  
2 weeks.

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

7 (a) The duration of the work;

8 (b) The extent of direction and control by the employer over the  
9 work; and

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

12 (2) An individual shall not be considered to have left the most  
13 recent work voluntarily without good cause when:

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

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

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

1 significant work factor which was generally known and present at the  
2 time he or she accepted employment, unless the related circumstances  
3 have so changed as to amount to a substantial involuntary deterioration  
4 of the work factor or unless the commissioner determines that other  
5 related circumstances would work an unreasonable hardship on the  
6 individual were he or she required to continue in the employment.

7 (4) Subsections (1) and (3) of this section shall not apply to an  
8 individual whose marital status or domestic responsibilities cause him  
9 or her to leave the most recent employment. Such an individual shall  
10 not be eligible for unemployment insurance benefits until he or she has  
11 requalified, either by obtaining bona fide work and earning wages of  
12 not less than the suspended weekly benefit amount in each of five  
13 calendar weeks 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.

19 **Sec. 3.** RCW 50.20.060 and 1982 1st ex.s. c 18 s 16 are each  
20 amended to read as follows:

21 (~~((1))~~) An individual shall be disqualified from benefits beginning  
22 with the first day of the calendar week in which he or she has been  
23 discharged or suspended for misconduct connected with his or her most  
24 recent work and thereafter until he or she has obtained work and earned  
25 wages of not less than (~~(the))~~ five times his or her suspended weekly  
26 benefit amount (~~(in each of five calendar weeks)~~). Alcoholism shall  
27 not constitute a defense to disqualification from benefits due to  
28 misconduct.

29 (~~((2) An individual who has been discharged because of a felony or~~  
30 ~~a gross misdemeanor of which he or she has been convicted, or has~~  
31 ~~admitted committing to a competent authority, and which is connected~~  
32 ~~with his or her work shall be disqualified from receiving any benefits~~  
33 ~~for which base year credits are earned in any employment prior to the~~  
34 ~~discharge. Such disqualification begins with the first day of the~~  
35 ~~calendar week in which he or she has been discharged, and all benefits~~  
36 ~~paid during the period the individual was disqualified shall be~~  
37 ~~recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other~~  
38 ~~provision of this title.))~~)

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 50.20 RCW  
2 to read as follows:

3        CANCELLATION OF WAGE/HOUR CREDITS.    (1) An individual who has been  
4 discharged or voluntarily leaves work because of a felony or gross  
5 misdemeanor of which he or she has been convicted, or has admitted  
6 committing to a competent authority, and that is connected with his or  
7 her work shall have all hourly wage credits based on that employment  
8 canceled.

9        (2) The employer shall notify the department of such an admission  
10 or conviction, not later than six months following the admission or  
11 conviction.

12        (3) The claimant shall disclose any conviction of the claimant of  
13 a work-connected felony or gross misdemeanor occurring in the previous  
14 two years to the department at the time of application for benefits.

15        (4) All benefits that are paid in error based on wage/hour credits  
16 that should have been removed from the claimant's base year are  
17 recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other  
18 provisions of this title.

19        NEW SECTION.    **Sec. 5.**        Captions used in this act do not  
20 constitute part of the law.

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