

---

HOUSE BILL 1628

---

State of Washington

61st Legislature

2009 Regular Session

By Representative Kretz

1 AN ACT Relating to good cause reasons to leave work; amending RCW  
2 50.20.050; and creating new sections.

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

4 **Sec. 1.** RCW 50.20.050 and 2008 c 323 s 1 are each amended to read  
5 as follows:

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

8 (a) An individual shall be disqualified from benefits beginning  
9 with the first day of the calendar week in which he or she has left  
10 work voluntarily without good cause and thereafter for seven calendar  
11 weeks and until he or she has obtained bona fide work in employment  
12 covered by this title and earned wages in that employment equal to  
13 seven times his or her weekly benefit amount.

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

18 (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 training and experience.

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

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

9 (ii) 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;

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

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

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

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

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

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

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

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

37 (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 training and experience.

5 (b) An individual has left work voluntarily with good cause and is  
6 not disqualified from benefits under (a) of this subsection when:

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

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

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

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

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

30 (B) With respect to claims that have an effective date on or after  
31 July 2, 2006, he or she: (I) Left work to relocate for the spouse's  
32 employment that, due to a mandatory military transfer, is outside the  
33 existing labor market area; and (II) remained employed as long as was  
34 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 defined  
37 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

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

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

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

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

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

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

19 (xi) With respect to individuals who separate from work on or after  
20 June 12, 2008, the individual left work to enter an apprenticeship  
21 program approved by the Washington state apprenticeship training  
22 council. Benefits are payable beginning Sunday of the week prior to  
23 the week in which the individual begins active participation in the  
24 apprenticeship program.

25 NEW SECTION. **Sec. 2.** If any part of this act is found to be in  
26 conflict with federal requirements that are a prescribed condition to  
27 the allocation of federal funds to the state or the eligibility of  
28 employers in this state for federal unemployment tax credits, the  
29 conflicting part of this act is inoperative solely to the extent of the  
30 conflict, and the finding or determination does not affect the  
31 operation of the remainder of this act. Rules adopted under this act  
32 must meet federal requirements that are a necessary condition to the  
33 receipt of federal funds by the state or the granting of federal  
34 unemployment tax credits to employers in this state.

1        NEW SECTION.    **Sec. 3.**    This act applies retroactively to claims  
2    that have an effective date on or after January 4, 2004.

--- END ---