
SENATE BILL 5473

State of Washington

66th Legislature

2019 Regular Session

By Senators Saldaña and Nguyen

Read first time 01/22/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to making unemployment benefits accessible to
2 persons with family responsibilities and other availability issues
3 and making clarifying changes; amending RCW 50.20.010, 50.20.080,
4 50.20.100, 50.20.240, and 50.29.021; reenacting and amending RCW
5 50.20.050; adding new sections to chapter 50.04 RCW; adding a new
6 section to chapter 50.20 RCW; creating new sections; repealing RCW
7 50.20.119 and 50.29.020; and providing an effective date.

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

9 NEW SECTION. **Sec. 1.** As a result of major demographic shifts,
10 adults' obligations to provide unpaid care to elderly, frail, ill, or
11 disabled family members have sharply increased in the United States
12 over the last two decades. In addition, the increasing unavailability
13 of child care creates a problem for parents with young children.
14 These trends often force employees to choose between providing care
15 to a family member and keeping their job. Under current law, when
16 employees must leave their jobs due to caregiving responsibilities,
17 our unemployment insurance framework does not allow them benefits
18 because employees must be available for all customary hours of their
19 occupation while they search for new, suitable work. In some
20 occupations, an employee must be available twenty-four hours a day,
21 seven days a week, rendering many employees who are responsible for

1 delivering care ineligible to receive benefits while they search for
2 suitable work. Unemployment insurance was created to ease the burden
3 of involuntary unemployment upon individual employees and the economy
4 as a whole. Our current framework places unnecessary barriers to this
5 insurance benefit in the way of workers, frequently low-wage
6 employees, who must rely on caregiving or provide it themselves,
7 sometimes forcing them to leave the workforce and leaving employers
8 with a smaller labor pool. It is the intent of the legislature to
9 ensure that Washington's unemployment insurance system remains
10 responsive to the needs of employees with caregiving responsibilities
11 in their search for suitable work and helps them remain attached to
12 the workforce.

13 **Sec. 2.** RCW 50.20.010 and 2006 c 13 s 10 are each amended to
14 read as follows:

15 (1) An unemployed (~~(individual)~~) claimant shall be eligible to
16 receive waiting period credits or benefits with respect to any week
17 in (~~(his or her)~~) the claimant's eligibility period (~~(only)~~) if (~~(the~~
18 ~~commissioner finds that)~~):

19 (a) (~~(He or she)~~) The claimant has registered for work at, and
20 thereafter has continued to report at, an employment office in
21 accordance with such regulation as the commissioner may prescribe,
22 except that the commissioner may by regulation waive or alter either
23 or both of the requirements of this (~~(subdivision)~~) subsection as to
24 (~~(individuals)~~) claimants attached to regular jobs and as to such
25 other types of cases or situations with respect to which the
26 commissioner finds that the compliance with such requirements would
27 be oppressive, or would be inconsistent with the purposes of this
28 title;

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

32 (c) (~~(He or she)~~) (i) The claimant is able to work, and is
33 available (~~(for)~~) to accept suitable work (~~(in any trade, occupation,~~
34 ~~profession, or business for which he or she is reasonably fitted.~~

35 ~~(i) With respect to claims that have an effective date before~~
36 ~~January 4, 2004, to be available for work an individual must be~~
37 ~~ready, able, and willing, immediately to accept any suitable work~~
38 ~~which may be offered to him or her and must be actively seeking work~~

1 ~~pursuant to customary trade practices and through other methods when~~
2 ~~so directed by the commissioner or the commissioner's agents.~~

3 ~~(ii) With respect to claims that have an effective date on or~~
4 ~~after January 4, 2004,)) as defined in RCW 50.20.100.~~

5 (ii) To be available for work ((an individual)) a claimant must:

6 (A) For at least as many hours per week as the claimant's typical
7 workweek hours, be ready, able, and willing(~~(, immediately))~~ to
8 accept any suitable work which may be offered (~~(to him or her))~~ with
9 reasonable notice from the employer; and ((must))

10 (B) Be actively seeking work pursuant to customary trade
11 practices and through other methods when so directed by the
12 commissioner or the commissioner's agents. If a labor agreement or
13 dispatch rules apply, customary trade practices must be in accordance
14 with the applicable agreement or rules;

15 ~~(d) ((He or she))~~ The claimant has been unemployed for a waiting
16 period of one week;

17 ~~(e) ((He or she))~~ The claimant participates in reemployment
18 services if the ~~((individual))~~ claimant has been referred to
19 reemployment services pursuant to the profiling system established by
20 the commissioner under RCW 50.20.011, unless the commissioner
21 determines that:

22 ~~(i) The ((individual))~~ claimant has completed such services; or

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

25 ~~(f) ((As to weeks beginning after March 31, 1981, which))~~ For
26 weeks that fall within an extended benefit period as defined in RCW
27 50.22.010, the ~~((individual))~~ claimant meets the terms and conditions
28 of RCW 50.22.020 with respect to benefits claimed in excess of
29 twenty-six times the ~~((individual's))~~ claimant's weekly benefit
30 amount.

31 ~~(2) ((An individual's))~~ A claimant's eligibility period for
32 regular benefits shall be coincident to his or her established
33 benefit year. ~~((An individual's))~~ A claimant's eligibility period for
34 additional or extended benefits shall be the periods prescribed
35 elsewhere in this title for such benefits.

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

1 (1) (~~With respect to claims that have an effective date on or~~
2 ~~after January 4, 2004, and for separations that occur before~~
3 ~~September 6, 2009:~~

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

10 ~~The disqualification shall continue if the work obtained is a~~
11 ~~mere sham to qualify for benefits and is not bona fide work. In~~
12 ~~determining whether work is of a bona fide nature, the commissioner~~
13 ~~shall consider factors including but not limited to the following:~~

14 ~~(i) The duration of the work;~~

15 ~~(ii) The extent of direction and control by the employer over the~~
16 ~~work; and~~

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

19 ~~(b) An individual is not disqualified from benefits under (a) of~~
20 ~~this subsection when:~~

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

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

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

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

37 ~~(iii) (A) With respect to claims that have an effective date~~
38 ~~before July 2, 2006, he or she: (I) Left work to relocate for the~~
39 ~~spouse's employment that, due to a mandatory military transfer: (1)~~
40 ~~Is outside the existing labor market area; and (2) is in Washington~~

1 ~~or another state that, pursuant to statute, does not consider such an~~
2 ~~individual to have left work voluntarily without good cause; and (II)~~
3 ~~remained employed as long as was reasonable prior to the move;~~

4 ~~(B) With respect to claims that have an effective date on or~~
5 ~~after July 2, 2006, he or she: (I) Left work to relocate for the~~
6 ~~spouse's employment that, due to a mandatory military transfer, is~~
7 ~~outside the existing labor market area; and (II) remained employed as~~
8 ~~long as was reasonable prior to the move;~~

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

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

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

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

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

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

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

30 ~~(xi) The individual left work to enter an apprenticeship program~~
31 ~~approved by the Washington state apprenticeship training council.~~
32 ~~Benefits are payable beginning Sunday of the week prior to the week~~
33 ~~in which the individual begins active participation in the~~
34 ~~apprenticeship program.~~

35 ~~(2) With respect to separations that occur on or after September~~
36 ~~6, 2009:~~

37 ~~(a) An individual))~~ A claimant shall be disqualified from
38 benefits beginning with the first day of the calendar week in which
39 ~~((he or she has))~~ the claimant left work voluntarily without good
40 cause and thereafter for seven calendar weeks and until ~~((he or she~~

1 ~~has obtained~~) the claimant obtains bona fide work in employment
2 covered by this title and earned wages in that employment equal to
3 seven times his or her weekly benefit amount. Good cause reasons to
4 leave work are limited to reasons listed in ~~((b) of this)~~
5 subsection (2) of this section.

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

10 ~~((i))~~ (a) The duration of the work;

11 ~~((ii))~~ (b) The extent of direction and control by the employer
12 over the work; and

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

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

18 ~~((i) He or she has)~~ (a) The claimant left work to accept a bona
19 fide offer of bona fide work as described in ~~((a) of this)~~
20 subsection (1) of this section;

21 ~~((ii))~~ (b) The separation was necessary because of the illness
22 or disability of the claimant or the death, illness, or disability of
23 ~~((a member of the claimant's immediate family if))~~ a family member,
24 or because care for a child or a vulnerable adult in the claimant's
25 care is inaccessible, so long as:

26 ~~((A))~~ (i) The claimant ~~((pursued all))~~ made reasonable
27 ~~((alternatives))~~ efforts to preserve his or her employment status by
28 requesting a leave of absence or changes in working conditions or
29 work schedule that would accommodate the death, illness, disability,
30 or caregiving inaccessibility, by having promptly notified the
31 employer of the reason for the absence, and by having promptly
32 requested reemployment when again able to assume employment. These
33 alternatives need not be pursued, however, when they would have been
34 a futile act, including those instances when the futility of the act
35 was a result of a recognized labor/management dispatch system; and

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

39 ~~((iii))~~ (c) The claimant: ~~((A))~~ (i) Left work to relocate for
40 the employment of a spouse or domestic partner that is outside the

1 existing labor market area; and ~~((B))~~ (ii) remained employed as
2 long as was reasonable prior to the move;

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

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

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

10 ~~((vii))~~ (g) The ~~((individual's))~~ claimant's worksite changed,
11 such change caused a material increase in distance or difficulty of
12 travel, and, after the change, the commute was greater than is
13 customary for workers in the ~~((individual's))~~ claimant's job
14 classification and labor market;

15 ~~((viii))~~ (h) The ~~((individual's))~~ claimant's worksite safety
16 deteriorated, the ~~((individual))~~ claimant reported such safety
17 deterioration to the employer, and the employer failed to correct the
18 hazards within a reasonable period of time;

19 ~~((ix))~~ (i) The ~~((individual))~~ claimant left work because of
20 illegal activities in the ~~((individual's))~~ claimant's worksite, the
21 ~~((individual))~~ claimant reported such activities to the employer, and
22 the employer failed to end such activities within a reasonable period
23 of time;

24 ~~((x))~~ (j) The ~~((individual's))~~ claimant's usual work was
25 changed to work that violates the ~~((individual's))~~ claimant's
26 religious convictions or sincere moral beliefs; ~~((or~~

27 ~~((xi))~~ (k) The ~~((individual))~~ claimant left work to enter an
28 apprenticeship program approved by the Washington state
29 apprenticeship training council. Benefits are payable beginning
30 Sunday of the week prior to the week in which the ~~((individual))~~
31 claimant begins active participation in the apprenticeship program;
32 or

33 (1) The claimant's usual work shifts were altered so as to make
34 care for a child or a vulnerable adult in the claimant's care
35 inaccessible.

36 (3) Notwithstanding ~~((subsection))~~ subsections (1) and (2) of
37 this section, ~~((for separations occurring on or after July 26, 2009,~~
38 ~~an individual))~~ a claimant who was simultaneously employed in full-
39 time employment and part-time employment and is otherwise eligible

1 for benefits from the loss of the full-time employment shall not be
2 disqualified from benefits because the ((~~individual~~)) claimant:

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

5 (b) Did not have prior knowledge that he or she would be
6 separated from full-time employment.

7 **Sec. 4.** RCW 50.20.080 and 2000 c 2 s 14 are each amended to read
8 as follows:

9 ((~~An individual~~)) A claimant is disqualified for benefits, if the
10 commissioner finds that the ((~~individual~~)) claimant has failed
11 without good cause, either to apply for available, suitable work, as
12 defined in RCW 50.20.100, when so directed by the employment office
13 or the commissioner, or to accept suitable work when offered to the
14 ((~~individual~~)) claimant, or to return to ((~~his or her~~)) the
15 claimant's customary self-employment (if any) when so directed by the
16 commissioner. Such disqualification shall begin with the week of the
17 refusal and thereafter for seven calendar weeks and continue until
18 the ((~~individual~~)) claimant has obtained bona fide work in employment
19 covered by this title and earned wages in that employment of not less
20 than seven times ((~~his or her~~)) the claimant's suspended weekly
21 benefit amount.

22 **Sec. 5.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to
23 read as follows:

24 (1) Suitable work for ((~~an individual~~)) a claimant is employment
25 in an occupation in keeping with the ((~~individual's~~)) claimant's
26 prior work experience, education, or training and if the
27 ((~~individual~~)) claimant has no prior work experience, special
28 education, or training for employment available in the general area,
29 then employment which the ((~~individual~~)) claimant would have the
30 physical and mental ability to perform. In determining whether work
31 is suitable for ((~~an individual~~)) a claimant, the commissioner shall
32 also consider the degree of risk involved to the ((~~individual's~~))
33 claimant's health, safety, and morals, the ((~~individual's~~))
34 claimant's physical fitness, the ((~~individual's~~)) claimant's typical
35 workweek hours, length of unemployment, and prospects for securing
36 local work in the ((~~individual's~~)) claimant's customary occupation,
37 the distance of the available work from the ((~~individual's~~))
38 claimant's residence, availability of caregiving for a child or

1 vulnerable adult in the claimant's care, and such other factors as
2 the commissioner may deem pertinent, including state and national
3 emergencies.

4 (2) For ~~((individuals))~~ claimants with base year work experience
5 in agricultural labor, any agricultural labor available from any
6 employer shall be deemed suitable unless it meets conditions in RCW
7 50.20.110 or the commissioner finds elements of specific work
8 opportunity unsuitable for a particular ~~((individual))~~ claimant.

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

12 ~~(4))~~ For ~~((individuals))~~ claimants who have qualified for
13 unemployment compensation benefits under RCW 50.20.050 ~~((1)(b)(iv)
14 or (2)(b)(iv))~~ (2)(d), as applicable, an evaluation of the
15 suitability of the work must consider the ~~((individual's))~~ claimant's
16 need to address the physical, psychological, legal, and other effects
17 of domestic violence or stalking.

18 **Sec. 6.** RCW 50.20.240 and 2006 c 13 s 16 are each amended to
19 read as follows:

20 (1)(a) To ensure that following the initial application for
21 benefits, ~~((an individual))~~ a claimant is actively engaged in
22 searching for work, the employment security department shall
23 implement a job search monitoring program. ~~((Effective January 4,
24 2004,))~~ The department shall contract with employment security
25 agencies in other states to ensure that ~~((individuals))~~ claimants
26 residing in those states and receiving benefits under this title are
27 actively engaged in searching for work in accordance with the
28 requirements of this section. The department may use interactive
29 voice technology and other electronic means to ensure that
30 ~~((individuals))~~ claimants are subject to comparable job search
31 monitoring, regardless of whether they reside in Washington or
32 elsewhere.

33 (b) Except for those ~~((individuals))~~ claimants with employer
34 attachment or union referral, ~~((individuals))~~ claimants who qualify
35 for unemployment compensation under RCW 50.20.050 ~~((1)(b)(iv) or
36 (2)(b)(iv))~~ (2)(d), as applicable, and ~~((individuals))~~ claimants in
37 commissioner-approved training, ~~((an individual))~~ a claimant who has
38 received five or more weeks of benefits under this title, regardless
39 of whether the ~~((individual))~~ claimant resides in Washington or

1 elsewhere, must provide evidence of seeking work, as directed by the
2 commissioner or the commissioner's agents, for each week beyond five
3 in which a claim is filed. (~~With regard to claims with an effective~~
4 ~~date before January 4, 2004, the evidence must demonstrate contacts~~
5 ~~with at least three employers per week or documented in-person job~~
6 ~~search activity at the local reemployment center. With regard to~~
7 ~~claims with an effective date on or after January 4, 2004,)) The
8 evidence must demonstrate contacts with at least three employers per
9 week or documented in-person job search activities at the local
10 reemployment center at least three times per week.~~

11 (c) In developing the requirements for the job search monitoring
12 program, the commissioner or the commissioner's agents shall utilize
13 an existing advisory committee having equal representation of
14 employers and workers.

15 (2) (~~Effective January 4, 2004, an individual~~) A claimant who
16 fails to comply fully with the requirements for actively seeking work
17 under RCW 50.20.010 shall lose all benefits for all weeks during
18 which the (~~individual~~) claimant was not in compliance, and the
19 (~~individual~~) claimant shall be liable for repayment of all such
20 benefits under RCW 50.20.190.

21 **Sec. 7.** RCW 50.29.021 and 2017 3rd sp.s. c 5 s 83 are each
22 amended to read as follows:

23 (1) (~~This section applies to benefits charged to the experience~~
24 ~~rating accounts of employers for claims that have an effective date~~
25 ~~on or after January 4, 2004.~~

26 ~~(2))~~ (a) An experience rating account shall be established and
27 maintained for each employer, except employers as described in RCW
28 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
29 payments in lieu of contributions, taxable local government employers
30 as described in RCW 50.44.035, and those employers who are required
31 to make payments in lieu of contributions, based on existing records
32 of the employment security department.

33 (b) Benefits paid to an eligible (~~individual~~) claimant shall be
34 charged to the experience rating accounts of each of such
35 (~~individual's~~) claimant's employers during the (~~individual's~~)
36 claimant's base year in the same ratio that the wages paid by each
37 employer to the (~~individual~~) claimant during the base year bear to
38 the wages paid by all employers to that (~~individual~~) claimant
39 during that base year, except as otherwise provided in this section.

1 (c) When the eligible (~~(individual's)~~) claimant's separating
2 employer is a covered contribution paying base year employer,
3 benefits paid to the eligible (~~(individual)~~) claimant shall be
4 charged to the experience rating account of only the individual's
5 separating employer if the (~~(individual)~~) claimant qualifies for
6 benefits under:

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

10 (ii) RCW 50.20.050(2)(l); or

11 (iii) RCW 50.20.050 (~~((1)(b)(v) through (x) or (2)(b)(v)~~
12 through (x)) (2)(e) through (j).

13 (~~(3)~~) (2) The legislature finds that certain benefit payments,
14 in whole or in part, should not be charged to the experience rating
15 accounts of employers except those employers described in RCW
16 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
17 payments in lieu of contributions, taxable local government employers
18 described in RCW 50.44.035, and those employers who are required to
19 make payments in lieu of contributions, as follows:

20 (a) Benefits paid to any (~~(individual)~~) claimant later determined
21 to be ineligible shall not be charged to the experience rating
22 account of any contribution paying employer, except as provided in
23 subsection (~~(5)~~) (4) of this section.

24 (b) Benefits paid to (~~(an individual)~~) a claimant filing under
25 the provisions of chapter 50.06 RCW shall not be charged to the
26 experience rating account of any contribution paying employer only
27 if:

28 (i) The (~~(individual)~~) claimant files under RCW 50.06.020(1)
29 after receiving crime victims' compensation for a disability
30 resulting from a nonwork-related occurrence; or

31 (ii) The (~~(individual)~~) claimant files under RCW 50.06.020(2).

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

36 (d) In the case of (~~(individuals)~~) claimants who requalify for
37 benefits under RCW 50.20.050 or 50.20.060, benefits based on wage
38 credits earned prior to the disqualifying separation shall not be
39 charged to the experience rating account of the contribution paying
40 employer from whom that separation took place.

1 (e) Benefits paid to ~~((an individual))~~ a claimant who qualifies
2 for benefits under RCW 50.20.050 ~~((1)(b)(iv) or (xi) or (2)(b)(iv)~~
3 ~~or (xi))~~ (2)(d) or (k), as applicable, shall not be charged to the
4 experience rating account of any contribution paying employer.

5 (f) ~~((With respect to claims with an effective date on or after~~
6 ~~the first Sunday following April 22, 2005, benefits paid that exceed~~
7 ~~the benefits that would have been paid if the weekly benefit amount~~
8 ~~for the claim had been determined as one percent of the total wages~~
9 ~~paid in the individual's base year shall not be charged to the~~
10 ~~experience rating account of any contribution paying employer. This~~
11 ~~subsection (3)(f) does not apply to the calculation of contribution~~
12 ~~rates under RCW 50.29.025 for rate year 2010 and thereafter.~~

13 ~~(g))~~ The forty-five dollar increase paid as part of ~~((an~~
14 ~~individual's))~~ a claimant's weekly benefit amount as provided in RCW
15 50.20.1201 and the twenty-five dollar increase paid as part of ~~((an~~
16 ~~individual's))~~ a claimant's weekly benefit amount as provided in RCW
17 50.20.1202 shall not be charged to the experience rating account of
18 any contribution paying employer.

19 ~~((h))~~ (g) With respect to claims where the minimum amount
20 payable weekly is increased to one hundred fifty-five dollars
21 pursuant to RCW 50.20.1201(3), benefits paid that exceed the benefits
22 that would have been paid if the minimum amount payable weekly had
23 been calculated pursuant to RCW 50.20.120 shall not be charged to the
24 experience rating account of any contribution paying employer.

25 ~~((i))~~ (h) Upon approval of ~~((an individual's))~~ a claimant's
26 training benefits plan submitted in accordance with RCW 50.22.155(2),
27 ~~((an individual))~~ a claimant is considered enrolled in training, and
28 regular benefits beginning with the week of approval shall not be
29 charged to the experience rating account of any contribution paying
30 employer.

31 ~~((j))~~ (i) Training benefits paid to ~~((an individual))~~ a
32 claimant under RCW 50.22.155 shall not be charged to the experience
33 rating account of any contribution paying employer.

34 ~~((4))~~ (3)(a) A contribution paying base year employer, except
35 employers as provided in subsection ~~((6))~~ (5) of this section, not
36 otherwise eligible for relief of charges for benefits under this
37 section, may receive such relief if the benefit charges result from
38 payment to ~~((an individual))~~ a claimant who:

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

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

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

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

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

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

30 (vii) Worked for an employer for twenty weeks or less, and was
31 laid off at the end of temporary employment when that employee
32 temporarily replaced a permanent employee receiving family or medical
33 leave benefits under this chapter, and the layoff is due to the
34 return of that permanent employee. This subsection (~~(+4)~~) (3)
35 (a)(vii) applies to claims with an effective date on or after January
36 1, 2020.

37 (b) The employer requesting relief of charges under this
38 subsection must request relief in writing within thirty days
39 following mailing to the last known address of the notification of
40 the valid initial determination of such claim, stating the date and

1 reason for the separation or the circumstances of continued
2 employment. The commissioner, upon investigation of the request,
3 shall determine whether relief should be granted.

4 ~~((+5))~~ (4) When a benefit claim becomes invalid due to an
5 amendment or adjustment of a report where the employer failed to
6 report or inaccurately reported hours worked or remuneration paid, or
7 both, all benefits paid will be charged to the experience rating
8 account of the contribution paying employer or employers that
9 originally filed the incomplete or inaccurate report or reports. An
10 employer who reimburses the trust fund for benefits paid to workers
11 and who fails to report or inaccurately reported hours worked or
12 remuneration paid, or both, shall reimburse the trust fund for all
13 benefits paid that are based on the originally filed incomplete or
14 inaccurate report or reports.

15 ~~((+6))~~ (5) An employer's experience rating account may not be
16 relieved of charges for a benefit payment and an employer who
17 reimburses the trust fund for benefit payments may not be credited
18 for a benefit payment if a benefit payment was made because the
19 employer or employer's agent failed to respond timely or adequately
20 to a written request of the department for information relating to
21 the claim or claims without establishing good cause for the failure
22 and the employer or employer's agent has a pattern of such failures.
23 The commissioner has the authority to determine whether the employer
24 has good cause under this subsection.

25 (a) For the purposes of this subsection, "adequately" means
26 providing accurate information of sufficient quantity and quality
27 that would allow a reasonable person to determine eligibility for
28 benefits.

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

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

36 (B) Twenty percent of the total current claims against the
37 employer.

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

1 NEW SECTION. **Sec. 8.** The following acts or parts of acts are
2 each repealed:

- 3 (1) RCW 50.20.119 (Part-time workers) and 2006 c 13 s 15; and
4 (2) RCW 50.29.020 (Experience rating accounts—Benefits not
5 charged—Claims with an effective date before January 4, 2004) and
6 2004 c 110 s 3 & 2003 2nd sp.s. c 4 s 20.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 50.04
8 RCW to read as follows:

9 "Vulnerable adult" has the meaning given in RCW 74.34.020.

10 NEW SECTION. **Sec. 10.** A new section is added to chapter 50.04
11 RCW to read as follows:

12 "Typical workweek hours" means:

- 13 (1) For an hourly employee, the average number of hours worked
14 per week by an employee during the base year, but no more than forty
15 hours; and
16 (2) For a salaried employee, forty hours, regardless of the
17 number of hours the salaried employee typically worked during the
18 base year.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 50.20
20 RCW to read as follows:

21 The commissioner shall adopt rules to ensure claimants remain
22 attached to the labor force by seeking work in a substantial field of
23 employment, and are available for scheduling that is reasonably
24 available in the claimant's local labor market and occupation.

25 NEW SECTION. **Sec. 12.** 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, the conflicting part of
28 this act is inoperative solely to the extent of the conflict and with
29 respect to the agencies directly affected, and this finding does not
30 affect the operation of the remainder of this act in its application
31 to the agencies concerned. Rules adopted under this act must meet
32 federal requirements that are a necessary condition to the receipt of
33 federal funds by the state.

34 NEW SECTION. **Sec. 13.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 14.** Sections 2 and 4 of this act apply to
4 claimed weeks of unemployment on or after April 5, 2020.

5 NEW SECTION. **Sec. 15.** Sections 3 and 7 of this act apply to
6 claims with an effective date on or after April 5, 2020.

7 NEW SECTION. **Sec. 16.** Sections 5, 6, and 8 through 10 of this
8 act take effect April 5, 2020.

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