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SENATE BILL 6235

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State of Washington

66th Legislature

2020 Regular Session

By Senators Kuderer, Lovelett, Wellman, Dhingra, Nguyen, Hasegawa, Das, McCoy, Pedersen, Conway, Darneille, and Wilson, C.

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1 AN ACT Relating to exceptions to disqualification for  
2 unemployment insurance benefits when voluntarily leaving employment  
3 due to increases in job duties or changes in working conditions;  
4 reenacting and amending RCW 50.20.050; and creating a new section.

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

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

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

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

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:

1 (i) The duration of the work;

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

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

6 (b) An individual is not disqualified from benefits under (a) of  
7 this subsection when:

8 (i) ~~((He or she))~~ The individual 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))~~ individual or the death, illness, or  
12 disability of a member of the ~~((claimant's))~~ individual's immediate  
13 family if:

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

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

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

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

39 (iv) The separation was necessary to protect the ~~((claimant))~~  
40 individual or the ~~((claimant's))~~ individual's immediate family

1 members from domestic violence, as defined in RCW 26.50.010, or  
2 stalking, as defined in RCW 9A.46.110;

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

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

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

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

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

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

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

27 (xii) The employer, without a commensurate change in pay:

28 (A) Substantially increases the individual's job duties; or

29 (B) Significantly changes the individual's working conditions.

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

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

39 ~~The disqualification shall continue if the work obtained is a  
40 mere sham to qualify for benefits and is not bona fide work. In~~

1 ~~determining whether work is of a bona fide nature, the commissioner~~  
2 ~~shall consider factors including but not limited to the following:~~

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

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

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

8 ~~(b) An individual has good cause and is not disqualified from~~  
9 ~~benefits under (a) of this subsection only under the following~~  
10 ~~circumstances:~~

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

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

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

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

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

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

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

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

38 ~~(vii) The individual's worksite changed, such change caused a~~  
39 ~~material increase in distance or difficulty of travel, and, after the~~

1 ~~change, the commute was greater than is customary for workers in the~~  
2 ~~individual's job classification and labor market;~~

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

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

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

13 ~~(xi) The individual left work to enter an apprenticeship program~~  
14 ~~approved by the Washington state apprenticeship training council.~~  
15 ~~Benefits are payable beginning Sunday of the week prior to the week~~  
16 ~~in which the individual begins active participation in the~~  
17 ~~apprenticeship program.~~

18 ~~(3))~~ (2) Notwithstanding subsection ~~((2))~~ (1) of this section,  
19 ~~((for separations occurring on or after July 26, 2009,))~~ an  
20 individual who was simultaneously employed in full-time employment  
21 and part-time employment and is otherwise eligible for benefits from  
22 the loss of the full-time employment shall not be disqualified from  
23 benefits because the individual:

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

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

28 NEW SECTION. **Sec. 2.** This act applies to claimed weeks of  
29 unemployment on or after April 4, 2021.

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