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**ENGROSSED SUBSTITUTE SENATE BILL 5473**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Saldaña and Nguyen)

READ FIRST TIME 02/05/20.

1       AN    ACT    Relating   to   studying   exceptions   to   provisions  
2   disqualifying   individuals   from   receiving   unemployment   benefits   for  
3   leaving   work   voluntarily   without   good   cause;   creating   new   sections;  
4   and   providing   an   expiration   date.

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

6       NEW SECTION.    **Sec. 1.**    (1) As a result of major demographic  
7   shifts, adults' obligations to provide unpaid care to elderly, frail,  
8   ill, or family members with a disability have sharply increased in  
9   the United States over the last two decades. In addition, the  
10   increasing unavailability of child care creates a problem for parents  
11   with young children. These situations appear to disproportionately  
12   affect women workers who are single parents. These trends often force  
13   employees to choose between providing care to a family member and  
14   keeping their job. Another factor for a parent leaving a job may be  
15   to relocate to be closer to a minor child. Additionally, workers are  
16   finding themselves in situations where the hours or responsibilities  
17   are being substantially increased without a commensurate increase in  
18   pay. Unemployment insurance was created to ease the burden of  
19   involuntary unemployment upon individual employees and the economy as  
20   a whole. Our current framework places unnecessary barriers to this  
21   insurance benefit in the way of workers, frequently low-wage

1 employees, who must rely on caregiving or provide it themselves,  
2 sometimes forcing them to leave the workforce and leaving employers  
3 with a smaller labor pool. It is the intent of the legislature to  
4 ensure that Washington's unemployment insurance system remains  
5 responsive to the needs of employees with caregiving and other  
6 responsibilities and taking into account changes at the workplace.

7 (2) Several senate bills in the 2020 legislative session would  
8 have amended the unemployment insurance laws to provide that an  
9 individual is not disqualified from unemployment insurance benefits  
10 when:

11 (a) The separation was necessary because care for a child or a  
12 vulnerable adult in the claimant's care is inaccessible, so long as  
13 the claimant made reasonable efforts to preserve the employment  
14 status by requesting a leave of absence or changes in working  
15 conditions or work schedule that would accommodate the caregiving  
16 inaccessibility, 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;

19 (b) The employer, without a commensurate change in pay:

20 (i) Substantially increases the individual's job duties; or

21 (ii) Significantly changes the individual's working conditions;

22 and

23 (c) The individual left work to relocate outside the existing  
24 labor market because of the geographical location of or proximity to  
25 and the separation from a minor child.

26 (3) The legislature intends to have the employment security  
27 department study the impacts to Washington's unemployment insurance  
28 trust fund and the contribution rates of employers if the law was  
29 amended to allow unemployment insurance benefits for individuals who  
30 leave work voluntarily for the reasons described in subsection (2) of  
31 this section.

32 NEW SECTION. **Sec. 2.** (1) The employment security department  
33 must study the impacts to:

34 (a) Washington's unemployment insurance trust fund and the  
35 contribution rates of employers if the law was amended to allow  
36 unemployment insurance benefits for individuals who leave work  
37 voluntarily for the reasons described in section 1(2) of this act;  
38 and

1 (b) Washington's unemployment insurance trust fund if the law was  
2 amended to allow unemployment insurance benefits for individuals who  
3 leave work voluntarily for the reasons described in section 1(2) of  
4 this act, and the benefits were not charged to the employers'  
5 experience rating accounts.

6 (2) The employment security department may consider:

7 (a) The existing and prior Washington laws, rules, and case law  
8 governing the disqualification of individuals from receiving  
9 unemployment benefits for leaving work voluntarily without good  
10 cause;

11 (b) The laws and regulations of other states governing the  
12 disqualification of individuals from receiving unemployment benefits  
13 for leaving work voluntarily without good cause; and

14 (c) Any other information the employment security department  
15 deems relevant.

16 (3) By November 6, 2020, and in compliance with RCW 43.01.036,  
17 the employment security department must report to the governor and  
18 the appropriate committees of the legislature providing:

19 (a) The impacts described in subsection (1) of this section,  
20 broken down by each of the reasons described in section 1(2) of this  
21 act;

22 (b) Any recommendations for how the statutes and rules may be  
23 amended to address the circumstances described in section 1(2) of  
24 this act, as fully as practicable, while limiting adverse impacts to  
25 the unemployment trust fund and the contribution rates of employers.

26 (4) While the employment security department is conducting the  
27 study, the department must meet at least three times with a  
28 representative of the largest business association and a  
29 representative from an organization which provides low-cost  
30 representation or free advice and counsel to people regarding their  
31 unemployment benefits to discuss the information gathered by the  
32 department.

33 (5) This section expires December 31, 2020.

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