

**ADDITIONAL RULEMAKING ACTIVITY
SINCE PUBLICATION OF
EMPLOYMENT SECURITY
LAWS & RULES – 3/05 REVISION**

RULES THAT BECOME FINAL ON JULY 23, 2005

NEW SECTION

WAC 192-150-112 Definitions--Domestic violence and stalking—RCW

50.20.050(2)(b)(iv). To constitute good cause for leaving work, your job separation must have been necessary to protect yourself or a member of your immediate family from domestic violence or stalking.

(1) **Immediate family** is defined in WAC 192-150-055 and means your spouse, children (including your unborn children), stepchildren, foster children, or parents of either spouse, whether living with you or not, and other relatives who temporarily or permanently reside in your household. In addition, for purposes of this section only, the term shall also include your siblings.

(2)(a) **Domestic violence** is defined in RCW 26.50.010. It includes the following acts committed between family or household members:

(i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault;

(ii) Sexual assault; or

(iii) Stalking.

(b) The perpetrator of domestic violence must be a family or household member, which means:

(i) Spouses and former spouses,

(ii) Persons who have a child in common regardless of whether they have been married or have lived together at any time,

(iii) Adult persons related by blood or marriage,

(iv) Adult persons who are presently residing together or who have resided together in the past,

(v) Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,

(vi) Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and

(vii) Persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, grandparents, and grandchildren.

(c) “Dating relationship” means a social relationship of a romantic nature.

(3) **Stalking** is defined by RCW 9A.46.110. It means:

(a) Intentionally and repeatedly harassing or following another person; and

(b) Placing the person being harassed or followed in fear of injury to self or property, or to another person or the property of another person; and

(c) Intending to frighten, intimidate, or harass the other person; or

(d) Knowing or having reason to know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(i) “Harass” means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

(ii) “Repeatedly” means on two or more separate occasions.

(iii) “Follows” means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person’s home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(iv) “Contact” includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

NEW SECTION

WAC 192-150-113 Domestic violence or stalking—RCW 50.20.050(2)(b)(iv).

(1) As a condition of eligibility for benefits, you are not required to exhaust reasonable alternatives prior to leaving work.

(2) The amount of notice you provide to your employer will not be a factor in evaluating whether you had good cause to leave work under this section. You will not be penalized for:

- (a) Failing to provide notice to your employer prior to leaving work;
- (b) Providing several weeks advance notice because you are making preparations to leave the situation;
- (c) Not disclosing the domestic violence or stalking to your employer;
- (d) Enduring domestic violence or stalking for an extended period of time before the job separation; or
- (e) Leaving work when there has not been a recent act of domestic violence or stalking, provided you had a reasonable fear of future domestic violence or stalking.

(3) The following factors will be considered in evaluating whether you had good cause to leave work under this section:

- (a) Domestic violence or stalking is the primary reason you left work, even if you gave a different reason for separation to your employer;
- (b) Your separation was necessary which, for purposes of this section, means you had a good faith belief that you needed to leave work based upon:
 - (i) Your fear of domestic violence or stalking;
 - (ii) Avoiding domestic violence or stalking; or
 - (iii) The consequences of domestic violence or stalking, including but not limited to legal proceedings, health care, counseling, child custody, or child protection matters.

NEW SECTION

WAC 192-170-060 Suitable work factors—Domestic violence or stalking—RCW 50.20.050(2)(b)(iv). When the department decides you left work for good cause due to domestic violence or stalking, you are required to be available for suitable work to receive benefits. Suitable work is work that is in keeping with your prior experience, employment or training. Suitability of work must also include consideration of your need to address the physical, psychological, legal and other effects of domestic violence or stalking. A job is not considered suitable when it would require you to be available on days or at specific times that conflict with your need to address the effects of the domestic violence or stalking.

NEW SECTION

WAC 192-180-014 Requirements of individuals who leave work due to domestic violence or stalking—RCW 50.20.010(1)(c). If you are allowed benefits because the department decides you left work for good cause due to domestic violence or stalking, each week you claim benefits you must demonstrate an attachment to the labor market by being able to work, available for work, and actively seeking suitable work. In general, claimants are required to make at least three job search contacts each week. You may make the number of contacts that are consistent with your need to address issues raised by domestic violence or stalking as long as you meet the requirements of RCW 50.20.010(1)(c) by making at least one job search contact each week you claim benefits. You may substitute participation in an approved job search activity at the WorkSource Office or local employment center for the required job search contact.