

Spain/Batey Supreme Court Decision

May 2009

Voluntary quit law

Washington state law lists 11 “good cause” reasons that a worker could voluntarily quit a job and still receive unemployment insurance benefits. Since adoption of the voluntary quit law, the agency has treated the 11 reasons as an exclusive list, and denied benefits unless the claimant specifically met one of the 11 reasons. Prior versions of the voluntary quit law provided the agency with greater discretion in determining eligibility for benefits after an individual voluntarily left employment.

Good cause reasons:

As adopted by the State Legislature in 2003 (reasons 1 - 10) and 2008 (reason 11), the good-cause reasons to quit are:

1. Accepting a bona fide offer of work;
2. Due to the worker’s illness or disability, or the death, illness, or disability of a member of the worker’s immediate family;
3. Moving to accompany a transferred military spouse;
4. Protecting the worker or a member of his or her immediate family from domestic violence or stalking;
5. A reduction in pay of twenty-five percent or more;
6. A reduction in hours of twenty-five percent or more;
7. A change in worksite resulting in increased distance or difficulty of travel;
8. Unsafe working conditions which the employer has failed to remedy;
9. Illegal activities at the worksite which the employer has failed to correct;
10. Changes in the worker’s usual work that violate his or her sincere religious or moral beliefs; and
11. Entering an approved apprenticeship training program.

Supreme Court decision:

The voluntary quit law was challenged by two claimants (Spain and Batey) who were denied benefits because their voluntary quits did not meet any of the good-cause reasons specifically listed in law.

On June 19, 2008, the state Supreme Court ruled unanimously that the voluntary-quit law did not limit good-cause eligibility to the listed reasons. Rather, the Court found that ESD had discretion to decide if claimants had other good reasons to quit their jobs.

Agency response:

Effective June, 23, 2008, the department began holding all voluntary quit decisions. ESD immediately began drafting an emergency rule to implement the court’s decision, and filed that rule on July 11, 2008.

The department held training for adjudicative staff as well as central office staff on the emergency rule between July 15th and 17th and stopped holding voluntary quit decisions on July 18th.

The emergency rule provided that other work-connected circumstances may constitute good cause if the claimant can show that continuing employment would cause an unreasonable hardship. The rule also required that all voluntary quit decisions that were pending review at the Office of Administrative Hearings and Commissioner’s Review Office be remanded to the department for a new determination consistent with the court’s decision.

In addition to the pending appeals, the department offered to redetermine all cases decided within 30 days prior to the court’s decision. This timeframe was selected because the standard appeal timeframe is

30 days. Cases are not considered final until this time period has elapsed. Reaching back 30 days prior to the Spain and Batey decisions included any claimant with standing to appeal and argue their quit under the court's new interpretation at the time the decisions were first rendered.

Administrative impacts of the decision:

Holding voluntary quit decisions between June 23rd and July 18th created a substantial backlog in an already challenging period. Managing this backlog has proven to be difficult because the number of new claims continues to increase.

The department created a unique unit to work on implementation of the 30-day decision. Over 2,100 letters were mailed out and almost 400 requests were made for redetermination. Every redetermination made by this unit was reviewed by supervisory staff to ensure quality and consistency. This unit received additional training after completion of this work and will work on the backlog of quit cases.

2009 Session-Voluntary quit changes

The legislature passed several changes to the voluntary quit law in the course of the 2009 session. These changes include the following:

- The good cause reasons to voluntarily quit are explicitly limited to the reasons specified in statute.
- The “quit to follow” reason is expanded from military transfers to include following a spouse or domestic partner due to that spouse’s or partner’s employment in a different labor market.
- Provides that an individual is not disqualified from receiving benefits if he or she simultaneously worked full-time and part-time jobs, is otherwise eligible, and:
 - Quit the part-time job and then lost the full-time job; and
 - Did not know in advance that the full-time job was ending.

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