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No. 88772-1
(C/A 42631-5-II)

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ROBERT CAMPBELL,

Petitioner,

v.

EMPLOYMENT SECURITY DEPARTMENT,
STATE OF WASHINGTON,

Respondent.

BRIEF OF AMICUS CURIAE WASHINGTON EMPLOYMENT
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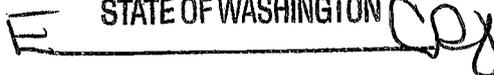


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I. INTEREST OF AMICUS CURIAE

The Washington Employment Lawyers Association (“WELA”) is a professional association of lawyers dedicated to protecting the rights of employees in Washington. WELA advocates in favor of employee rights in recognition that employment with dignity and fairness is fundamental to the quality of life. WELA has approximately 150 members who are lawyers admitted to practice law in the State of Washington and primarily represent employees in employment law matters. WELA is a chapter of the National Employment Lawyers Association. WELA has appeared in numerous cases before this Court involving employee rights. *See* WELA Motion for Leave to Appear as Amicus Curiae.

II. INTRODUCTION AND SUMMARY OF ARGUMENT

In 2009, the Washington legislature amended the Employment Security Act to provide unemployment benefits for claimants who are forced to leave their employment to follow a spouse to a job out of state. This case represents the first time this Court has interpreted this “quit to follow” provision. In keeping with its historic long and proud tradition of protecting employee rights, this Court should liberally construe the statute in favor of the involuntarily unemployed worker, as mandated in the preamble of the Employment Security Act. The Court should recognize the “quit to follow” provision as requiring a claimant to stay employed as long as reasonable under all the circumstances, and hold that Petitioner Robert Campbell had good cause to quit his teaching position to follow his

spouse and child for his wife's work overseas. To do otherwise would weaken the statute's remedial and pro-family purposes, and would jeopardize this much-needed benefit for untold numbers of Washingtonians who leave work through no fault of their own to support the career aspirations of their spouse and keep their families together.

In order to receive benefits, all that is required of a "quit to follow" claimant is to remain employed for as long as is reasonable prior to the move. In this case, the Court of Appeals failed to liberally construe the "quit to follow" statute and adopted the wrong standard, focusing solely on the length of time between job separation and departure from the relevant labor market. This Court should hold that determination of whether an employee has remained employed "as long as was reasonable" requires consideration of the totality of the unemployed worker's circumstances. This Court should also expressly reject the Department's interpretation that the statute requires exhaustion of all reasonable alternatives.

Finally, the Court of Appeals erred in determining that an employee's "ethical and professional concerns" for his public school employer and his students did not justify the timing of his departure. Mr. Campbell twice requested a leave of absence that was denied by his employer. To quit in the middle of the year would have been a hardship on the employer and the students. The Employment Security Department has consistently failed to identify any other action that Campbell could

have *reasonably* taken to preserve his job. The suggestion that he needed to act unethically by leaving his students and employer mid-year in order to maintain his unemployment benefits status is contrary to the statute and public policy.

III. STATEMENT OF THE CASE¹

Petitioner Robert Campbell was a full-time Spanish teacher at the University Place School District. In June 2010, his wife received a Fulbright teaching and research fellowship in Finland that was to last from February to May 2011. Mr. Campbell twice requested a leave of absence from his teaching position, but the School District denied those requests. Out of concern for his public school employer and to his students over the chaos a mid-year departure would cause, Mr. Campbell elected to leave employment at the beginning of the school year prior to his wife's move so that he could follow his wife and small child to Finland.

The Employment Security Department ("Department) denied Mr. Campbell's unemployment benefits and Mr. Campbell appealed. Characterizing Mr. Campbell's reason for leaving a "personal reason", an administrative law judge (ALJ) concluded that Mr. Campbell did not have good cause to quit because his spouse's employment was "temporary work pursuant to a grant program." On appeal to the Department's Commissioner Review Office, the Commissioner adopted the ALJ's findings of fact and conclusions of law and additionally concluded, as a

¹ The facts are taken from the parties' briefs and the Court of Appeals' decision.

matter of law, that 1) Mr. Campbell failed to establish that his wife's Fulbright grant was "employment" within the meaning of the Act, and 2) Mr. Campbell quit his job prematurely by quitting "several months before his spouse's four month trip to Finland."

The Superior Court reversed the Commissioner and found Mr. Campbell met both prongs under the "quit to follow" statute: he followed his spouse to her job in Finland, and he remained employed as long as was reasonable. The Department appealed.

In a published opinion, the Court of Appeals (Division II) reversed the Superior Court's decision, concluding that Mr. Campbell did not establish that he remained employed as long as reasonable because he "offered no evidence establishing that he required seven months to prepare for a temporary four-month trip to Finland." *Campbell v. Employment Sec. Dep't*, 174 Wn. App. 210, 218, 297 P.3d 757, 761 (2013). The Court reasoned, "Campbell's decision to quit at the end of the school year had no relation to the timing of the temporary relocation to Finland."² *Id.* The Court explained that "under the statute's plain language, 'reasonable' does not equate to considerate, understandable, commendable, *or ethical*" *Id.* (emphasis added). While the Court of Appeals referenced portions of preamble of the Act, it did not reference the mandate that the statute is to

² The Court of Appeals did not address the issue of whether the Mr. Campbell's wife's Fulbright fellowship constituted "employment" under the Act. Both parties' briefs offer argument on this issue. WELA does not take a position on this issue other than to generally point out that any analysis of what constitutes "employment" under the Act must also be "liberally construed" in favor of the unemployed worker.

be “liberally construed” to support the unemployed worker. *See Id.*; RCW 50.01.010.

IV. ARGUMENT OF AMICUS

In enacting the Employment Security Act, the Washington Legislature sought to address the economic and societal ills caused by unemployment, stating that “economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state.” RCW 50.01.010. The unemployment insurance system benefits more than workers; it provides a firm economic foundation for businesses and employers as well. These temporary wage benefits help keep the families of laid-off workers afloat. Local merchants are better off when unemployed workers continue spending on housing, groceries and other basic needs. And once business conditions improve, the system helps employers call back experienced workers they need.³ It is imperative that Washington’s unemployment insurance program support Washington’s unemployed workers and their families.

³ It is beyond question that Washington’s unemployment insurance program is vital to the State’s economic stability. This remains true as much today as when the program was first established. Many studies and reports discuss the importance of a robust unemployment insurance program. *See, e.g.,* Maurice Emsellem, Andrew Stettner, Lisa Donner, and Alexandra Cawthorne, *Helping the Jobless Helps Us All, The Central Role of Unemployment Insurance in America’s Economic Recovery* (November 2009) available at Available at http://nelp.3cdn.net/6a543a07c017f862a4_1cm6b1cdg.pdf (last visited Dec. 23, 2013) For a more recent study, *see also Federal Unemployment Insurance Keeps Workers in Job Search, Families Out Of Poverty*, Issue Brief by the National Employment Law Project (December 2013), available at <http://www.nelp.org/page/-/UI/2013/Issue-Brief-Federal-Unemployment-Insurance-Job-Search-Poverty.pdf?nocdn=1> (last visited Dec 23, 2013). Additionally, a study by the Center for Poverty Research found that since 2009, unemployment insurance has been responsible for a 25 percent reduction in poverty among children with an unemployed parent, available at http://poverty.ucdavis.edu/sites/main/files/file-attachments/policy_brief_arbeit_ui_child_poverty_0.pdf (last visited Dec. 23, 2013).

A. The Employment Security Act Must be “Liberally Construed” In Favor of the Unemployed Worker

First, the Court of Appeals failed to address the Employment Security Act’s liberal construction mandate, and failed to apply the “quit to follow” provision in favor of the unemployed worker. In order to effectuate the legislative intent of the Employment Security Act, the plain language of the Act must be applied in light of the liberal construction mandate as expressed in the preamble of the Act. Neither party to this case disputes that the Act is to be liberally construed.

The preamble to the Act dictates that unemployment insurance benefits should be allowed for those “unemployed through no fault of their own” and that the statute “shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to a minimum.” RCW 50.01.010.⁴ Courts have stated that this language means that wherever possible, the Act must be construed in favor of the unemployed worker.⁵

In 2005, the Washington state legislature once again reiterated the importance of the liberal construction of the Act when it corrected an

⁴ See Appendix A for the complete text of the preamble.

⁵ Mr. Campbell’s Petition for Discretionary Review offers a comprehensive review of the case law on this issue. WELA does not wish to repeat this analysis; however it offers the following in support of its position. See e.g. *Western Ports Transportation, Inc. v. Employment Sec. Dep’t*, 110 Wn.App. 440, 450, 41 P.3d 510 (2002). “The mandate of liberal construction requires that courts view with caution any construction that would narrow the coverage of the unemployment compensation laws.” *Shoreline Community College District No. 7 v. Employment Sec. Dep’t*, 120 Wn. 2d 394, 406, 842 P.2d 938 (1992). “[T]he statutory mandate of liberal construction within the Employment Security Act requires the courts to view with caution any construction that would narrow the Act’s coverage.” *W. Ports Transp., Inc. v. Employment Sec. Dep’t*, 110 Wn. App. 440, 450 (2002).

accidental omission of the liberal interpretation language from the statute in 2003. *Gaines v. Employment Sec. Dep't*, 140 Wn. App. 791, 797-798, 166 P.3d 1257 (2007). In *Gaines*, the Court explained the legislature's intent for the new section:

[T]he legislature further finds that the system is falling short of [the Act's] goals by failing to recognize the importance of applying liberal construction for the purpose of reducing involuntary unemployment, and the suffering caused by it, to the minimum, and by failing to provide equitable benefits to unemployed workers.

140 Wn.App. at 798.

Liberal construction requires the consideration of other factors when deciding the meaning of a word or provision of law as applied to a given case. This means giving the written words a broad interpretation by looking at the legislature's purpose and intent in adopting the law. *See e.g. Allison v. The Housing Authority of the City of Seattle*, 118 Wn.2d 79, 821 P.2d 34 (1991) (construing the Washington Law Against Discrimination with virtually identical language regarding the menace to society contained in the preamble). *Compare* RCW 50.20.010 and RCW 49.60.030. Whether or not the statutory language uses a vague and undefined phrase such as "reasonable", the statute must be interpreted in light of the liberal construction mandate in favor of the worker. To conclude otherwise would be to subvert the stated intention of the legislature and the purpose of the Act.

The Court should reinforce the Legislature's liberal construction mandate here.

B. Spouses who Leave Work for Compelling Family Reasons Are Not Voluntarily Quitting Work

Recognizing the needs of *involuntarily unemployed workers*, the Employment Security Act provides benefits to individuals who leave their jobs for “good cause,” typically owing to circumstances beyond the employee’s control. RCW 50.20.050 (2). One of the enumerated reasons for “good cause” job separation is the so-called “quit to follow” provision:

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

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

RCW 50.20.050(2)(b)(iii). In other words, spouses who leave their own jobs, adapt to a new place, and keep the family together, to follow their spouse to an out of state job, are not voluntarily quitting work.

C. The “Quit to Follow” Statute is Necessary in a Highly Mobile and Diverse Workforce

The “quit to follow” provision is designed to address gaps in Washington’s unemployment and to better reflect the realities of a diverse 21st century labor market. In a growing service-based economy, many Fortune 500 employers based in Washington State, such as Microsoft and Boeing, have a strong international presence and regularly assign their employees to such details for periods from weeks to years.

The current statutory language was adopted in 2009 when the Washington legislature revised the “quit to follow” statute to conform with

a federal incentive program to modernize unemployment insurance (UI) contained in the American Recovery and Reinvestment Act of 2009, § 2003, 42 U.S.C.A. 1103(f)(3)(D) (2010).⁶ Specifically, the Recovery Act provided states with substantial financial incentives (\$7 billion in total) to close the major gaps in their programs that deny benefits to a large number of hard-working families. *Id.* The National Employment Law Project (NELP) explained the rationale for UI modernization:⁷

[O]nly 32 percent of unemployed workers collect state unemployment benefits, due in large part to the failure of the program to adapt to the changing workforce. Compared to 1935, when the program was created in response to the Great Depression, far more low-wage, part-time and women workers now participate in the labor market, and many more workers find themselves long-term unemployed due to globalization and the loss of manufacturing jobs. The Recovery Act responds to these new realities by rewarding states that adopt innovative and successful eligibility reforms, thus providing benefits to more than 500,000 workers a year who were falling through the cracks before the Recovery Act.

Washington took advantage of this federal incentive program and expanded its “quit to follow” provision to provide benefits to all individuals who leave work to move because a spouse has relocated to

⁶ See also NELP National Employment Law Project, *Recovery Act's Unemployment Insurance Modernization Incentives Produce Bipartisan State Reforms in Eight States in 2010* (Updated September 3, 2010); Washington State Labor Council, AFL-CIO, *Unemployment Insurance and Benefits*, (January 8, 2009), available at <http://www.wslc.org/legis/unempins.htm> (last visited Dec. 23, 2013).

⁷ National Employment Law Project, *Question & Answer, Unemployment Insurance Modernization: Filling the Gaps in the Unemployment Safety Net While Stimulating the Economy*. (Updated December 14, 2010), available at http://nelp.3cdn.net/d2e0a0eb686ddc0826_v4m6bx17s.pdf (last visited Dec. 23, 2013).

another location for employment.⁸ The Legislature deemed this a compelling family reason to leave employment,⁹ and acted to help unemployed workers who were falling through the cracks of the unemployment system, including the increasing number of women with families in the workforce.¹⁰ The change represented an adaptation to the increasing mobility of families in America and the large number of two-worker families.

In the vast majority of family moves, it is the woman who follows her spouse or partner to a new job. Often, the trailing spouse must leave a job to move with the family, as both partners work in nearly 60 percent of married-couple families. The UI “gender gap” is due in part to the failure of UI systems to compensate individuals (mostly women) who must leave their work due to mandatory job transfers of their spouse or partner.¹¹

The Department’s own study published in December 2006 revealed the importance of liberally construing the “quit to follow provision” and further supports this rationale for allowing workers to go

⁸ Paul Trause, Washington State Employment Security Department Commissioner. (June 1, 2011) Available at <http://www.doleta.gov/recovery/pdf/WA2-3.pdf> (last visited Dec. 23, 2013).

⁹ Other compelling family reasons including domestic violence or sexual assault or caring for a sick family member. Washington’s unemployment insurance program likewise allows unemployment insurance benefits to individuals who leave work for these reasons. See RCW 50.20.050(2)(ii) & (iv).

¹⁰ Washington State Labor Council, AFL-CIO, *Unemployment Insurance and Benefits*, (January 8, 2009), available at <http://www.wslc.org/legis/unempins.htm> (last visited Dec. 23, 2013).

¹¹ National Employment Law Project, available at <http://www.nelp.org/page/-/UI/uimastatelegislation.pdf?nocdn=1> (last visited Dec. 23, 2013).

where the jobs are while keeping their families together.¹² The

Department's own study states:

[D]omestic or marital responsibility showed the most significant disparity along gender lines. More than 71 percent of all denials in this category were women, while only 29 percent were men. This may be explained by the fact that domestic and marital responsibilities predominantly fall to women in a household and when these responsibilities do not constitute *good cause* under voluntary quit laws, women stand to be denied at a greater rate than men.

Id. The study concluded that women were most affected by changes to the voluntary-quit provisions and domestic or marital responsibility as the reason for quitting showed the most significant disparity along gender lines. A more narrow reading of the statute in question ignores the purpose of the "quit to follow" provision and could exacerbate an unacceptable gender disparity in the unemployment insurance program.

Even before the legislative enactment, the Department recognized some version the good cause "quit to follow" provision either in case law or in the statutory scheme for many years. Originally, eligibility for unemployment insurance benefits in these situations fell under the "good cause to quit" section of the disqualification from benefits statute. The statute did not define "good cause," instead leaving it to the Department to define it on a case by case basis. *Spain v. Employment Sec. Dep't*, 164

¹²Employment Security Department, Washington State, *Voluntary Quits* (December 2006), available at <http://www.esd.wa.gov/newsandinformation/legresources/uistudies/vol-quits-2006.pdf#zoom=100> (last visited Dec. 23, 2013).

Wn.2d 252, 258, 185 P.3d 118 (2008).¹³ Compelling personal reasons included “marital status” and “domestic responsibilities.”¹⁴

In 2003, the legislature made significant changes to the definition, enumerating specific items on a list of “good cause reasons” to voluntarily quit employment. The changes at that time narrowed the “quit to follow” provision by limiting the provision to spouses of military personnel claimants who left work to relocate for the spouse's employment that, due to a mandatory military transfer outside of labor. The claimant was required to remain employed as long as was reasonable prior to the move.

Any statutory interpretation of this provision must take into account the legislature’s intent to fill gaps in Washington’s unemployment insurance program and to promote economic stability within a diverse modern workforce. This Court should recognize the importance of the “quit to follow” provision in today’s highly mobile workforce, and construe it liberally to require an employee to stay employed as long as reasonable, under all the circumstances of that employee’s position.

¹³ This Court outlined the legislative history of the “good cause to quit” provision of the statute and the liberal construction mandate in its decision in *Spain v. ESD*, 164 Wn.2d 252, 185 P.3d 118 (2008). Notably, the Court stated, “This statute is not a model of clarity...” Although the statute has been amended in some small ways since 2008, the statute remains unclear in a number of key aspects.

¹⁴ See e.g. *In re Bale*, 63 Wn.2d 83, 385 P.2d 545 (1963) (holding that spouse who terminated her employment as a result of her desire to move with her husband to his new place of residency, did so for “good cause” within the meaning of this section.); *Ayers v. Department of Emp. Sec.*, 85 Wn.2d 550, 536 P.2d 610 (1975) (holding that for purposes of this provision, abandonment of employment by one spouse in order to move to an area where the other spouse is employed may be a compelling personal reason that constitutes the requisite good cause.); *Newell v. Employment Sec. Dep’t*, 92 Wn. App. 319, 966 P.2d 347 (1998) (holding that relocation to a locale that made an employee's commute much longer can serve as “good cause” to leave employment under Subsection (4), where the move was in response to a desire to stay with her husband.)

D. “Reasonable” Conduct Does Not Include Violating One’s Personal and Professional Ethics; Such a Standard Would Be Against Public Policy

The Court has framed the primary issue in this case as whether the claimant remained employed as long as was reasonable before separating his employment to follow his spouse to her new employment.¹⁵ Neither the statute nor agency regulation nor policy guidance provides the Court with a definition for what constitutes “remaining employed as long as reasonable prior to the move.” To remain employed “as long as was reasonable” must be interpreted in light of the totality of the unemployed worker’s circumstances and what a “reasonably prudent” employee in Mr. Campbell’s shoes would do. This approach is consistent with other mandates for liberal construction and broad public policy mandates in other remedial statutes.

Such a standard would alter the result here. In this case, the Court of Appeals interpreted the Act’s requirement that a claimant remain employed “as long as was reasonable prior to the move” to mean that the decision to quit must be reasonable only in relation to the time of the move. *See Campbell v. Employment Sec. Dep’t*, 174 Wn. App. 210, 297 P.3d 757 (2013). It further concluded that Mr. Campbell’s decision to

¹⁵The Commissioner’s Office of the Washington Supreme Court has stated the issue in this case as follows: Whether, for the purposes of qualifying for unemployment benefits under RCW 50.20.050(2)(b)(iii), a claimant who quit his teaching position seven months before his spouse was to begin an academic fellowship in a foreign country remained employed as long as reasonable prior to the move.

leave several months early out of consideration for his employer did not make his quit “reasonable.” *Id.* The Court stated:

Here, Campbell offered no evidence establishing he required seven months to prepare for the temporary four-month trip to Finland. The explanation for his decision to resign at the end of the previous school year involved *ethical and professional concerns for his employer*...[and] had no relation to the timing of the temporary relocation to Finland.

Id. (emphasis added)

Showing that the employee required time to prepare for the move is not what the statute requires. Courts have adopted a broader standard for evaluating reasonableness and consider more factors than timing alone.¹⁶ The agency regulations define a reasonably prudent person as:

A reasonably prudent person is an individual who uses good judgment or common sense in handling practical matters. The actions of a person exercising common sense in a similar situation are the guide in determining whether an individual's actions were reasonable.

WAC 192-100-010. Moreover, the standard for reasonableness is contextualized within the facts of each case. In *Hussa v. Employment Sec. Dept.*, the Washington Court of Appeals clarified the term “reasonably prudent person” to reflect that the phrase must be analyzed as a “reasonably prudent woman” in the context of sexual harassment. 34 Wn. App. 857, 863, 664 P.2d 1286 (1983). While it is not a completely subjective standard, the actions of a claimant are to be viewed from someone in the claimant’s position, with like characteristics.

¹⁶ See e.g. *Robinson v. Employment Sec. Dep't*, 84 Wn. App. 774, 778, 930 P.2d 926 (1996) (holding that, generally, good cause is judged by what an ordinarily prudent person would have done under the circumstances faced by a claimant.)

The standard for reasonableness advanced by the Court of Appeals and the Department is too high a standard and is not supported by the law for a number of reasons. First, “reasonableness” in the quit to follow provision is not just about the timing of the spouse’s move. “Reasonableness” to a dedicated public school employee like Mr. Campbell required him to consider the impact of a mid-year departure on his students, not just “concerns for his employer.” It required him to be forthcoming with his employer, and not keep secret his mid-year departure. To conclude otherwise would also necessarily have an unduly harmful impact on teachers, whose job it is to serve the public interest.

Next, a claimant is not required to exhaust all reasonable alternatives in all circumstances, and the Court should reject this position advanced by the Department. In support of this argument, the Department relies on the provision governing unemployment benefits for individuals who resign because of illness or disability of the claimant or a member of the claimant's immediate family. RCW 50.20.050(2)(b)(ii). Unlike the “quit to follow” provision, this provision of the statute specifically enunciates what actions a claimant must take in order to qualify. It states that a claimant must have “pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment.” RCW 50.20.050(2)(b)(ii)(A).

No similar limitation is placed on job separations in the “quit to follow” provision, and it is a well-accepted principle of statutory interpretation that the legislature acts intentionally when it omits language from one section of the statute that it has included in another section of the statute. *See e.g. Spain v. Employment Sec. Dep’t.*, 164 Wn.2d at 257 (discussing doctrine of “*unius est exclusion alterius*”). Because the legislature did not specifically prescribe similar steps in the quit to follow provision, it intended a broader interpretation.

Nor should an employee be required to violate his own personal or professional ethics to maintain his eligibility. The employee need only remain employed for as long as was reasonable, not as long as “possible.” In this case, Mr. Campbell asked for a leave of absence, twice, that his employer denied, twice. Any suggestion that Mr. Campbell should have kept his departure secret from his employer and his students, then abruptly departed mid-year, and for the purpose of maintaining his eligibility for benefits, would be contrary to ethics and public policy.

Finally, although the Court affords precedential Commissioner’s decisions “due deference”, the level of deference is not absolute.¹⁷ *Spain*,

¹⁷ The Department cites two precedential Commissioner’s decisions in support of its arguments that the second prong is evaluated in relation to the temporal proximity between the claimant quitting and the spouse’s move. *See In re Bottcher*, Empl. Sec. Comm’r Dec.2d 963 (2011) (holding that claimant had good cause to quit when he quit his job two months before moving to follow his spouse for her employment and he spent the two months making repairs to his home that were required for the sale of the home) and *In re Burkholder*, Empl. Sec. Comm’r Dec.2d 315 (1977) (holding that claimant did not have good cause to quit when she quit two and a half months before her move). Neither of these opinions require a sole focus on the time to “prepare” for moving. Those were the circumstances in those cases, certainly to be considered, but not the sole focus.

164 Wn.2d at 256. Although some level of deference is due to the agency's interpretation, it is persuasive authority and not binding authority on this court. Ultimately, it is for the Court to interpret the law in light of the legislative intent. This Court has stated, "[d]espite the weight given to the administrative determination, the paramount concern of this court is to ensure that the statute is interpreted consistently with the underlying policy of the statute." *Safeco Ins. Co. v. Meyering*, 102 Wn.2d 385, 687 P.2d 195 (1984) (reversing agency determination that case should be classified as a discharge rather than a voluntary quit, holding that "the Department's interpretation is inconsistent with the policy of the act").

V. CONCLUSION

The Court should rule that pursuant to the liberal construction mandate, the reasonableness of the claimant's actions include consideration of all factors facing a reasonable person in the claimant's unique circumstances. The "liberal construction" mandate of the preamble must be considered in construing all provisions of the statute. Regardless of whether the language of the specific statutory language at issue is unclear, a liberal interpretation of the overarching purpose and statutory scheme underlying our Employment Security Act requires a more inclusive determination.

The judgment of the Court of Appeals should be reversed.

Respectfully submitted this 24th day of December, 2013.

WASHINGTON EMPLOYMENT LAWYERS ASSOCIATION

By, /s/ Joseph R. Shaeffer /s/Therese Norton
 Joseph R. Shaeffer, WSBA #33273
 Therese Norton, WSBA #43237

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled AMICUS BRIEF on the following individual(s):

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DATED this 24th day of December, 2013, at Seattle, Washington.

/s/ Joseph R. Shaeffer
Joe Shaeffer

RCW 50.01.010
Preamble.

Whereas, economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his or her family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of relief assistance. The state of Washington, therefore, exercising herein its police and sovereign power endeavors by this title to remedy any widespread unemployment situation which may occur and to set up safeguards to prevent its recurrence in the years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and that this title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.

[2010 c 8 § 13001; 2005 c 133 § 2; 2003 2nd sp.s. c 4 § 1; 1945 c 35 § 2; Rem. Supp. 1945 § 9998-141. Prior: 1937 c 162 § 2.]

Notes:

Findings--Intent--Conflict with federal requirements--Effective date -- 2005 c 133: See notes following RCW 50.20.120.

Additional employees authorized--2005 c 133: "To establish additional capacity within the employment security department, the department is authorized to add two full-time equivalent employees to develop economic models for estimating the impacts of policy changes on the unemployment insurance system and the unemployment trust fund." [2005 c 133 § 8.]

Conflict with federal requirements -- 2003 2nd sp.s. c 4: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [2003 2nd sp.s. c 4 § 36.]

Severability -- 2003 2nd sp.s. c 4: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2003 2nd sp.s. c 4 § 37.]

Effective date -- 2003 2nd sp.s. c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 20, 2003]." [2003 2nd sp.s. c 4 § 39.]

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To: Joseph R. Shaeffer
Cc: Therese Norton; Uhl, Erika (ATG); Marc Lampson; ATG MI LAL Oly EF; Harris, Leah (ATG); Glasgow, Rebecca (ATG); Erwin, Dianne (ATG); Jeffrey Needle
Subject: RE: CAMPBELL v. WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT, No. 88772-1

Rec'd 12/24/2013

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Joseph R. Shaeffer [mailto:josephs@MHB.com]
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Subject: CAMPBELL v. WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT, No. 88772-1

Please accept for filing, on behalf of the Washington Employment Lawyers Association, the following documents in the above referenced case:

Motion for Leave to Appear on Behalf of Amicus
Brief of Amicus Curiae
Appendix A

Thank you.
Case Number 88772-1
Case name: Campbell v. Employment Security Department

Joe Shaeffer, WSBA#33273

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