

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby places into the rulemaking file an analysis of the determinations required by RCW 34.05.328(1).

RCW 34.05.328

- a) The Department is engaging in rulemaking to repeal WAC 192-250-015, which requires employers be registered for at least six months before being eligible to participate in the Shared Work program.
- b) In February of 2020, Governor Inslee proclaimed a State of Emergency in Washington in response to COVID-19. The Department filed a series of emergency rules to support the state's emergency response, one of which expanded access to the Shared Work program.

There are two spots in WAC Chapter 192-250 where employers who have been registered in Washington for six months or less are excluded from participating in the Shared Work program: the entirety of WAC 192-250-015 and WAC 192-250-045(2)(c). Rules adopted under WSR 21-13-007 deleted WAC 192-250-045(2)(c) but failed to repeal WAC 192-250-015. By repealing WAC 192-250-015, the Department is following through with the policy that employers who have been registered employers in Washington for six months or less can still participate in Shared Work, thereby leaving that program open to more employers and their employees.

- c) A cost-benefit analysis has been prepared by the Employment Security Department. The cost-benefit analysis is available on the Department's webpage. (<https://www.esd.wa.gov/newsroom/rulemaking/shared-work>)
 - d) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rules are greater than their probable costs.
 - e) Repealing WAC 192-250-015, which requires employers be registered for at least six months before being eligible to participate in the Shared Work program, represents the least burdensome alternative for those required to comply. The change is less restrictive than current rules.
 - f) The rules do not require those to whom it applies to take an action that violates the requirements of another federal or state law.
 - g) The rules do not impose any performance requirements on public or private entities.
 - h) These rules do not differ from any other federal regulation or statute.
 - i) The Department has coordinated these rules, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.
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