



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 10, 2021

TIME: 8:04 AM

WSR 21-07-035

Agency: Employment Security Department

Subject of possible rule making: The Employment Security Department is engaging in rulemaking regarding whether the emergency rules adopted during the COVID-19 response should be made permanent. The emergency rules cover submission of petitions for judicial review, backdating reopened claims, waiting week waivers, and combined wage claims.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department.

Reasons why rules on this subject may be needed and what they might accomplish: In February of 2021, Governor Inslee proclaimed a State of Emergency in Washington regarding COVID-19. The Department filed a series of emergency rules in order to support the state's emergency response. The Department is now seeking input from the public regarding which of those emergency rules should be made permanent.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Draft rules will be shared with the public and stakeholders. The Department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Josh Dye	Name:
Address: P.O. Box 9046	Address:
Phone: 360-890-3472	Phone:
Fax: 844-652-7096	Fax:
TTY: Relay 711	TTY:
Email: Rules@esd.wa.gov	Email:
Web site: https://esd.wa.gov/newsroom/rulemaking/benefits	Web site:
Other:	Other:

Additional comments:

Date: March 10, 2021

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature: