



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: April 05, 2021

TIME: 2:41 PM

WSR 21-08-064

Agency: Employment Security Department

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The rules are adopted to define how the Employment Security Department will verify that a claimant or an individual living with them has an underlying health condition that is identified as a risk factor of a disease that is the subject of a public health emergency when a claimant applies for unemployment insurance benefits.

Citation of rules affected by this order:

New: 192-150-155, 192-170-015
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 50.12.010; RCW 50.12.040; Engrossed Substitute Senate Bill 5061, Chapter 2, Laws of 2021, Sections 8, 10.

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Engrossed Substitute Senate Bill 5061 (2021) provides, among other things, good cause to leave work when during a public health emergency, the claimant was unable to perform their work for the employer from the claimant's home; the claimant is able and available to perform, and can actively seek, suitable work which can be performed for an employer from the claimant's home; and the claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor of a disease that is the subject of a public health emergency. ESSB 5061, Chapter 2, Laws of 2021, §10. ESSB 5061 (2021) also provides that during the weeks of a public health emergency, an unemployed individual may meet the availability requirements of RCW 50.20.010(1)(c) if they are able and available to perform, and actively seeking, suitable work which can be performed for an employer from the individual's home; and if the unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency. Chapter 2, Laws of 2021, §8. The emergency rules clarify how the Department will verify underlying health conditions for purposes of RCW 50.20.010(4)(b)(ii) and RCW 50.20.050(2)(b)(xii)(C)(II).

ESSB 5061 went into effect on February 8, 2021. In addition, the new good cause reason to quit applies to job separations that occur on or after April 4, 2021. The immediate adoption of rules is necessary so that the Department can verify whether claimants are eligible for unemployment benefits under the new laws.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	_____	Repealed	_____
Federal rules or standards:	New	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	<u>2</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	Amended	_____	Repealed	_____
Pilot rule making:	New	Amended	_____	Repealed	_____
Other alternative rule making:	New	Amended	_____	Repealed	_____

Date Adopted: April 5, 2021

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature:

