



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 07, 2018

TIME: 9:26 AM

WSR 18-19-007

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
 - No
- If Yes, explain:

Purpose: To clarify when educational employees qualify for unemployment insurance benefits within and between academic terms by laying out more specific guidelines when an educational employee has a contract or reasonable assurance for future work; addressing when educational employees work for more than one employer; and explaining the impact of voluntary quits for educational employees that have a contract or reasonable assurance for future work.

Citation of rules affected by this order:

- New: WAC 192-210-055; 192-210-060
- Repealed: WAC 192-210-020
- Amended: WAC 192-210-001; 192-210-005; 192-210-010; 192-210-015; 192-210-045
- Suspended:

Statutory authority for adoption: RCW 50.12.010; 50.12.040

Other authority: RCW 50.44.050; 50.44.053; 50.44.055

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-16-061 on July 26, 2018 (date).

Describe any changes other than editing from proposed to adopted version: The proposed rule defines educational institution to include "any public or private preschool, elementary school, secondary school, technical or vocational school, community college, college, and university." The final rule defines educational institution to include "any public or private preschool, elementary school, secondary school, technical or vocational school, community or technical college, college, and university." This change was made based on stakeholder feedback stating it was unclear whether the proposed definition of educational institution included technical colleges.

The final rule also adjusted some of the subsection numbering under WAC 192-210-015(4) to resolve a potential ambiguity regarding the criteria for when an educational employee has reasonable assurance.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name: Scott E. Michael
- Address: P.O. Box 9046, Olympia, WA 98507-9046
- Phone: (360) 902-9587
- Fax: (360) 902-9662
- TTY: Relay 711
- Email: rules@esd.wa.gov
- Web site: <https://www.esd.wa.gov/newsroom/UI-rule-making/reasonable-assurance>
- Other:

**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	<u>2</u>	Amended	<u>5</u>	Repealed	<u>1</u>
Federal rules or standards:	New	<u>2</u>	Amended	<u>5</u>	Repealed	<u>1</u>
Recently enacted state statutes:	New	<u>2</u>	Amended	<u>5</u>	Repealed	<u>1</u>

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

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New 2 Amended 5 Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

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: September 7, 2018

Name: Daniel Zeitlin

Title: Director of Employment System Policy

Signature:

