



PREPROPOSAL STATEMENT OF INQUIRY

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

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STATE OF WASHINGTON
FILED

DATE: March 06, 2019

TIME: 10:49 AM

WSR 19-06-088

Agency: Employment Security Department

Subject of possible rule making: Permitting claimants to backdate applications for "standby" under WAC 192-110-015.

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. RCW 50.12.042 provides specific rulemaking authority regarding the requirement that unemployment claimants be able to work, available for work, and actively seek work.

Reasons why rules on this subject may be needed and what they might accomplish: State law allows the Department to waive the requirement that an unemployment claimant search for work if that claimant is temporarily laid off, but has an expected return-to-work date. This is known as "standby." The Department has discovered circumstances when claimants should be allowed to backdate applications for standby after employers confirm an expected return-to-work date. The rule, however, as currently drafted does not permit the application to be backdated.

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) The proposed rule will be shared with stakeholders as identified through the standard rulemaking process. ESD will solicit input and consider all comments in the development of the final rule.

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

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(If necessary)

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Other:

Additional comments:

Date: March 6, 2019	Signature: 
Name: Daniel Zeitlin	
Title: Employment System Policy Director	