

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).

- a) 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. Amending WAC 192-110-015, which addresses applications by standby workers, permits claimants to backdate applications for standby.
- b) Standby status allows both employers and employees to manage temporary layoffs with an expected return-to-work date. Under the amended rules, claimants are eligible for unemployment benefits without the need to search for other employment. Employers are relieved of the need to recruit and train new employees because claimants are available to return to work. This allows both the claimant and the employer to avoid negative long-term effects from a short-term layoff. Allowing claimants to backdate standby also alleviates burdens on the claimant that may arise from a number of reasons, including misunderstanding the terms of the temporary layoff or receiving incorrect information regarding the filings required to receive unemployment benefits.

The ability to backdate for the convenience of the Department ensures that claimants are not held liable due to circumstances within the Department that are beyond the control of the claimant

- 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/ui-rule-making/backdating-requests-for-standby>)
 - d) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.
 - e) The amendments to WAC 192-110-015 represent the least burdensome alternative. The changes are less restrictive than current rules.
 - f) The rule does not require those to whom it applies to take an action that violates the requirements of another federal or state law.
 - g) The rule does not impose any performance requirements on public or private entities. It removes requirements on certain individuals who qualify for unemployment benefits on standby status.
 - h) This rule does not differ from any other federal regulation or statute.
 - i) The Department has coordinated this rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.
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