



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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FILED

DATE: March 14, 2019

TIME: 10:26 AM

WSR 19-07-041

**Agency:** Employment Security Department

**Subject of possible rule making:** Setting requirements for when claimants are eligible for unemployment benefits while physically located outside of the United States

**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 and RCW 50.20.010 provide specific rulemaking authority regarding the requirement that unemployment claimants register for work, be able to work, be available for work, and actively seek work.

**Reasons why rules on this subject may be needed and what they might accomplish:** The Commissioner has issued a precedential decision (*In re McConnell*, Empl. Sec. Comm'r Dec.2d 1005 (2016)) that holds that claimants can still be eligible for unemployment benefits even when they are physically located outside of the United States. Rulemaking is needed to set clear standards for when claimants are or are not eligible for unemployment benefits while physically located in another country.

**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)

Name:  
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Other:

Additional comments:

<b>Date:</b> March 14, 2019	<b>Signature:</b> 
<b>Name:</b> Daniel Zeitlin	
<b>Title:</b> Employment Security Policy Director	