



REASONS FOR ADOPTING THE RULE

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the reason the Department is adopting the rule, a description of the variances between the proposed rule and the final rule, and a summary of comments received regarding the proposed rule and responses to the comments.

The Commissioner 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. In order to be eligible for unemployment benefits, an individual must be available for work. Rulemaking is needed to set clear standards for when claimants are available for work while physically located in another country.

Amending rules regarding availability requirements for claimants who are physically located outside of the United States will provide benefits for certain claimants and expand options for claimants to look for opportunities to return to work in industries with transglobal footprints. This supports the Department's mission to develop the nation's best and most future ready workforce with opportunities for all.

VARIANCE BETWEEN PROPOSED RULE AND FINAL RULE

There are no differences between the proposed rules and the final rules.

SUMMARY OF COMMENTS TO PROPOSED RULES AND AGENCY RESPONSE

Sheree Neal, Polaris Applied Sciences, Inc.

Comment: If someone is out of country, how can they be looking for a job in Washington?

Response: Claimants have the opportunity to search for work in a variety of ways, including via the Internet. The goal of unemployment insurance is to return the claimant to work, whether in Washington, another state, or another country. Claimants filing for unemployment insurance benefits while physically located outside of the country are still required to meet other eligibility requirements, such as hours of availability and the ability to report for work.