

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) 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.
  - b) Rulemaking is needed to set clear standards for when claimants are or are not eligible for unemployment benefits while physically located in another country.
  - 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/out-of-country>)
  - 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.
  - 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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