



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: September 04, 2020

TIME: 8:41 AM

WSR 20-19-020

Agency: Employment Security Department

Subject of possible rule making: In order to be eligible to receive unemployment benefits, an unemployed individual must, among other requirements, be actively seeking work. RCW 50.20.240(1)(b) requires individuals to make contacts with at least three employers per week or at least three documented in-person job search activities at the local reemployment center per week. The rulemaking will address additional options for claimants to meet the job search requirement. It will also clarify that an in-person job search activity can take place virtually or remotely.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010; RCW 50.12.240; RCW 50.20.010; RCW 50.20.240

Reasons why rules on this subject may be needed and what they might accomplish: Washington's economy has profoundly changed due to the continued COVID-19 pandemic and the emergency measures taken to prevent its spread. Washington's unemployed workers need more options and flexibility in how they search for work in order to adapt to this dynamic situation. Furthermore, as the state considers long-term pandemic response plans, requiring physical proximity between claimants and WorkSource staff unnecessarily increases safety risks for both claimants and staff, especially when claimants can receive support for their job search activities remotely or virtually.

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:

Name: Joshua Dye	(If necessary) Name:
Address: PO Box 9046, Olympia, WA 98501	Address:
Phone: 360-890-3472	Phone:
Fax: 844-652-7096	Fax:
TTY:	TTY:
Email: rules@esd.wa.gov	Email:
Web site: https://esd.wa.gov/newsroom/rulemaking	Web site:
Other:	Other:

Additional comments:

Date: September 4, 2020

Name: Daniel Zeitlin

Title: Employment System Policy Director

Signature: