



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 19, 2021

TIME: 9:36 AM

WSR 21-11-101

Agency: Employment Security Department

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 20-19-020 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c) and 50.20.240

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 22, 2021	9:00 am	Zoom Meeting ID: 883 4231 8970 Passcode: 938418 Call in: (253) 215-8782	Join Zoom Meeting: <a href="https://us02web.zoom.us/j/88342318970?pwd=SXR2eGFRMkh1WlVlbml2Rk02a1BiQT09">https://us02web.zoom.us/j/88342318970?pwd=SXR2eGFRMkh1WlVlbml2Rk02a1BiQT09</a>

Date of intended adoption: June 25, 2021 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Joshua Dye  
Address: P.O. Box 9046, Olympia, WA 98507-9046  
Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)  
Fax: 844-652-7096  
Other:  
By (date) June 21, 2021

### Assistance for persons with disabilities:

Contact Teresa Eckstein  
Phone: 360-507-9890  
Fax: 360-586-4600  
TTY: Relay 711  
Email: [teckstein@es.wa.gov](mailto:teckstein@es.wa.gov)  
Other:  
By (date) June 14, 2021

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In order to be eligible to receive unemployment benefits, an unemployed individual must, among other requirements, be actively seeking work. RCW 50.20.010(1)(c). 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, or as otherwise directed by the Department to meet the intent of rigorous reemployment efforts. The proposed-amendments to WAC 192-180-010 provide additional options for claimants to meet the job search requirement by expanding the list of actions that constitute job search contacts and activities. The proposed amended rule also clarifies that an in-person job search activity can take place virtually or remotely.

**Reasons supporting proposal:** Washington's economy has profoundly changed due to the continued COVID-19 pandemic and the emergency measures taken to prevent its spread. And even before the pandemic started, new technologies and business practices had significantly changed the way that people look for and find new work. 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.

**Statutory authority for adoption:** RCW 50.12.010; RCW 50.12.040; RCW 50.20.010; RCW 50.20.240

**Statute being implemented:** RCW 50.20.010(1)(c) and 50.20.240

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Employment Security Department

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Scott Michael	Olympia	360-890-3448
Implementation:	Julie Lord	Olympia	360-890-9579
Enforcement:	Julie Lord	Olympia	360-890-9579

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Joshua Dye  
Address: P.O. Box 9046, Olympia, WA 98507-9046  
Phone: 360-890-3472  
Fax:  
TTY:  
Email: [Rules@esd.wa.gov](mailto:Rules@esd.wa.gov)  
Other: <https://esd.wa.gov/newsroom/ui-rule-making/>

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

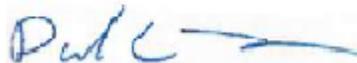
If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed job search requirement changes do not expand a claimant's eligibility for benefits. As such, the proposed rule change will not create an additional tax liability for employers.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> May 19, 2021	<b>Signature:</b>  
<b>Name:</b> Dan Zeitlin	
<b>Title:</b> Employment Security Policy Director	