



Concise Explanatory Statement

Work Search Activities

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department’s reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received regarding the proposed rules and responses to the comments.

Reasons for Adopting the Rule

Washington’s economy has profoundly changed due to both the continued COVID-19 pandemic and the emergency measures taken to prevent its spread. With the requirement to actively search for work being reinstated on July 4, 2021, Washington’s unemployed workers need more options and flexibility in how they search for work in order to adapt to both this and future dynamic situations. Furthermore, 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.

Variance Between Proposed Rule and Final Rule

The adopted version removes ‘participating in a public speaking class’ from the list of acceptable job search activities. The final version also corrects internal subsection numbering to reflect the removal of proposed WAC 192-180-010(4)(i) from the adopted version.

Summary of Comments to Proposed Rules and Agency Response

Comment	Agency Response
<p>Work search should not be required. Unemployment Insurance is not an entitlement or a welfare program. It is a benefit program that workers pay into every paycheck in hopes that they will never need it.</p>	<p>As a state-federal program, unemployment insurance must meet certain federal requirements. One such requirement is that claimants be actively seeking work. The Washington Unemployment Trust Fund (Trust Fund) is funded by taxes paid by employers. Employer contributions to the Trust Fund are based on two factors: Experience Rating and Social Cost. Just as drivers with a history of at-risk behavior pay higher automobile insurance premiums, employers with a history of more benefit claims generally will pay a higher unemployment tax rate. In Washington, Unemployment Insurance is not a program workers pay into.</p>
<p>“Creating a user profile on a professional networking site” does not adhere to the intent and spirit of the Legislature and does not replace contact and engagement between prospective employers and job candidates. The</p>	<p>“Creating a user profile on a professional networking site” is listed as an acceptable job search activity by the United States Department of Labor’s Model Unemployment Insurance State Work Search Legislation, published in Training</p>

<p>bona fide job search activity would be the actual follow up with a prospective employer.</p>	<p>and Employment Notice No. 17-19 (Feb. 10, 2020).</p>
<p>Categorizing “participating in a public speaking class” under (4)(i) as a job search activity is likely a departure or a stretch from the true meaning and intent per the RCW from which this is derived. There must be a direct connection to active job search from the training.</p>	<p>The Department removed ‘participating in a public speaking class’ from the list of enumerated acceptable job search activities.</p>
<p>RCW 50.20.240 (2) clearly states that developing job search monitoring program requirements “shall utilize an existing advisory committee...” We believe the rule should provide clarity on the meaning of an advisory committee, and then adhere to the guidance. When people network, it improves their chances of finding new jobs more quickly.</p>	<p>Utilization of an advisory committee is beyond the scope of this rulemaking, which is to “address additional options for claimants to meet the job search requirement” and “clarify that an in-person job search activity can take place virtually or remotely.”</p> <p>However, work search rulemaking has been a topic addressed by the Unemployment Insurance Advisory Committee on multiple occasions.</p> <ul style="list-style-type: none"> • Unemployment Insurance Policy Discussion (UIAC) – June 9, 2021 • Unemployment Insurance Policy Discussion (UIAC) – May 12, 2021
<p>The proposed rule does not explain ways to provide evidence of seeking work. It is important to make these transparent to both the worker and employer communities.</p>	<p>Claimants may utilize a large variety of ways to document job search activities. The Department believes that an agency rule is not the proper place to designate specific job search verification tools due to the enormity of options for documenting job search activities. The Department does provide different “documentation ideas” for claimants on the Department’s web page.</p> <p>https://esd.wa.gov/unemployment/job-search-requirements</p>