



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 17, 2022
TIME: 8:18 AM

WSR 22-21-093

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The rules clarify that, during a public health emergency, benefits for claimants terminated from work due to entering quarantine because of an exposure to or contracting the disease that is the subject of the declaration of the public health emergency will be charged 100 percent to the claimant's last employer if: (a) the employer is a base-period employer; (b) the employer is a contribution-paying employer; (c) the employer is a health care facility as defined in RCW 9A.50.010; and (d) the claimant was directly involved in the delivery of health services. Additionally, the rules clarify that during the weeks of a declared public health emergency, an unemployed health care worker is considered available for work while isolated or under quarantine as directed by a medical professional, local health official, or the Secretary of Health, if the individual is available for work that will commence after the isolation or quarantine period ends; or which can be performed for an employer from the individual's home.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 192-170-010 and WAC 192-320-075
- Suspended:

Statutory authority for adoption: RCW 50.12.010 and 50.12.040 provide general rulemaking authority to the Employment Security Department. RCW 50.20.010(5) and RCW 50.20.050(3) address the availability requirements and good cause basis to quit work for certain health care workers during a public health emergency. RCW 50.29.021(1)(c)(iii) states that when an eligible individual's separation employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separation employer if the individual qualifies for benefits because during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-17-021 on August 5, 2022 (date).
Describe any changes other than editing from proposed to adopted version: There are no changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>2</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:


New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: October 17, 2022	Signature: 
Name: Dan Zeitlin	
Title: Employment System Policy Director	