

Significance Analysis Health Care Workers

Introduction

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).

Analysis

- a) 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 described in RCW 50.20.050(3) and RCW 50.29.021(1)(c)(iii) 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.
- b) Rulemaking is needed to set clear standards for how certain health care worker claims will be evaluated during public health emergencies.
- 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://esd.wa.gov/newsroom/ui-rule-making/health-care-workers>)
- 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 192-170-010 and WAC 192-320-075 represent the least burdensome alternative.
- 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.

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- 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.