

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 are adopted to clarify how the Employment Security Department will verify that a claimant or an individual living with them has an underlying health condition for purposes of determining (1) whether an individual has good cause to voluntarily quit employment because they or another individual with them have an underlying health condition that is identified as a risk factor for a disease that is the subject of a public health emergency or (2) whether an individual meets availability requirements when they are available for work which can be performed from the individual's home and the individual or another individual residing with them is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the high risk individual has an underlying health condition.
- b) Rulemaking is needed to set clear standards for when claimants are considered to have an underlying health condition.
- 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/underlying-health-conditions>)
- 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 adoption of WAC 192-170-015 and WAC 192-150-155 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.
- 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.
