



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: June 22, 2022

TIME: 8:05 AM

WSR 22-13-172

Agency: Employment Security Department

Original Notice

Supplemental Notice to WSR 22-05-100

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 20-13-041 ; 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 192-250-015 - When is an employer eligible to participate in the shared work program?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 28, 2022	9 am	Zoom Meeting ID: 818 1368 1974 Passcode: 972744 Call in: (253) 215-8782	Join Zoom Meeting: https://us02web.zoom.us/j/81813681974?pwd=cmtUR1pOWXJiaktFQTRHUm1INWNyUT09

Date of intended adoption: August 2, 2022 (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

Fax: 844-652-7096

Other:

By (date) July 28, 2022

Assistance for persons with disabilities:

Contact Teresa Eckstein

Phone: 360-507-9890

Fax: 360-586-4600

TTY: Relay 711

Email: teckstein@esd.wa.gov

Other:

By (date) July 21, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Shared Work provides flexibility for businesses to restart and bring their employees back from unemployment with reduced hours. Businesses gradually build back their team with qualified workers receiving partial unemployment benefits to replace a portion of their lost wages.

The Employment Security Department intends to expand access to this program by removing the requirement that an employer be legally registered in the state for at least six months before qualifying for the Shared Work program.

Reasons supporting proposal: In February of 2020, Governor Inslee proclaimed a State of Emergency in Washington in response to COVID-19. The Department filed a series of emergency rules to support the state's emergency response, one of which expanded access to the Shared Work program.

There are two spots in WAC Chapter 192-250 where employers who have been registered in Washington for six months or less are excluded from participating in the Shared Work program: the entirety of WAC 192-250-015 and WAC 192-250-045(2)(c). Rules adopted under WSR 21-13-007 deleted WAC 192-250-045(2)(c) but failed to repeal WAC 192-250-015. By adding a repeal of WAC 192-250-015, the Department is following through with the policy that employers who have been registered employers for six months or less can still participate in Shared Work, thereby leaving that program open to more employers and their employees.

Statutory authority for adoption: Under RCW 50.60.030, the Commissioner shall approve a shared work compensation plan if certain criteria are met; the Commissioner may also take into account any other factors which may be pertinent.

Statute being implemented: RCW 50.60.030 (criteria for approving a shared work compensation plan)

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes 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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Josh Dye	Olympia, WA	360-890-3472
Implementation:	Sam Virgil	Olympia, WA	360-890-3637
Enforcement:	Sam Virgil	Olympia, WA	360-890-3637

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: 844-652-7096

TTY: Relay 711

Email: 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)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

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 rules and amendments do not create additional tax burdens on employers of any size. The rulemaking provides flexibility for both employers and claimants.

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:

Date: June 22, 2022

Name: Dan Zeitlin

Title: Employment System Policy Director

Signature:

