



Significance Analysis COVID 19 Emergency Rules – Phase 3

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).

RCW 34.05.328

- a) The Department is engaging in rulemaking regarding whether emergency rules adopted during the COVID-19 response should be made permanent. The emergency rules cover the means of serving a petition for judicial review on the Department, when the Department may backdate a claim's reopening date, and how the Department charges non-Washington combined-wage claims.
- b) In February of 2020, Governor Inslee proclaimed a State of Emergency in Washington regarding COVID-19. The Department filed a series of emergency rules in order to support the state's emergency response. The Department is adopting permanent rules to add the protections and flexibilities provided by the emergency rules to the Washington Administrative Code.
- 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://www.esd.wa.gov/newsroom/rulemaking/rulemaking-for-topics-covered-by-emergency-rules>)
- d) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rules are greater than their probable costs.
- e) COVID-19 Phase 3 Emergency Rules, regarding petitions for judicial review (WAC 192-04-210); reopening a claim (WAC 192-110-050; and combined wage claims (WAC 192-320-072).
- f) The rules do not require those to whom it applies to take an action that violates the requirements of another federal or state law.
- g) The rules do not impose any performance requirements on public or private entities.
- h) These rules do not differ from any other federal regulation or statute.
- i) The Department has coordinated these rules, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.
