



Concise Explanatory Statement COVID 19 Emergency Rules – Phase 3

Introduction

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department’s reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received regarding the proposed rules and responses to the comments

Reasons for adopting the rule

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. The proposed rules at issue in the COVID 19 Emergency Rules – Phase 3 rulemaking concern:

- The means of serving a petition for judicial review on the Department.
- When the Department may backdate a claim’s reopening date
- How the Department charges non-Washington combined-wage claims.

Variance between proposed rule and final rule

There is no variance between the proposed and the final rule.

Summary of comments to proposed rules and agency response

Public Comment	Agency Response
<p>Anne Paxton, Unemployment Law Project</p> <p>The Unemployment Law Projects supports the proposed rule. The rule provides a needed update of archaic and overbroad language which places difficult conditions on unemployed workers seeking a job. It also adapts state law to family and workplace realities. In addition, it complies with federal law in adopting policies supported by the U.S. Department of Labor, and it carries out the explicit purpose of Title 50 RCW to ease the burden of unemployment on workers.</p>	<p>The Employment Security Department is adopting the rules as proposed.</p>