



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 11, 2023
TIME: 10:29 AM

WSR 24-01-036

Agency: Employment Security Department

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 23-20-111; 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: WAC 192-110--600 Disaster (new section); WAC 192-170-010 Availability for work—RCW 50.20.010; WAC 192-270-065 Certification of satisfactory progress; WAC 192-320-078 Catastrophic occurrence.

Hearing location(s):

Date:	Time:	Location:	Comment:
January 23, 2023	9:00 AM	Zoom Meeting ID: 852 3670 6121 Passcode: 533475 Call in: +12532158782,,85236706121#,, ,*533475# US (Tacoma) +12532050468,,85236706121#,, ,*533475# US	Join Zoom meeting: https://esd-wa.gov.zoom.us/j/85236706121?pwd=bWpYQ29IRHlvOWVONXhJZE9HeTY1UT09

Date of intended adoption: January 24, 2023 (Note: This is NOT the effective date)

Submit written comments to:

Name: Stephanie Frazee
Address: P.O. Box 9046, Olympia, WA 98507-9046
Email: rules@esd.wa.gov
Fax: 844-652-7096
Other:
By January 23, 2023

Assistance for persons with disabilities:

Contact Teresa Eckstein
Phone: 360-507-9890
Fax: 360-586-4600
TTY: Relay 711
Email: Teresa.eckstein@esd.wa.ov
Other:
By January 16, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to permanently adopt the Department’s emergency rules providing flexibility and relief to claimants and employers who are impacted by wildfires and other disasters. These rules address the requirements that an unemployed individual be able and available for work and the requirement that individuals make satisfactory progress in their training to receive training benefits. These rules also address the circumstances when employers can receive relief of benefit charges for individuals who become unemployed due to a catastrophic occurrence.

Reasons supporting proposal: This rulemaking is necessary to permanently adopt the Department’s emergency rules addressing wildfires and other disasters so the rules are already in place for when the next wildfire or other disaster occurs.

Statutory authority for adoption: RCW 50.12.010, 50.12.040, 50.20.010, 50.22.155, and 50.29.021.

Statute being implemented: RCW 50.20.010, 50.22.155, and 50.29.021.

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.

Type of proponent: Private Public Governmental
Name of proponent: Employment Security Department

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stephanie Frazee	Olympia, WA	425-465-0313
Implementation:	J.R. Richards	Olympia, WA	360-463-1079
Enforcement:	J.R. Richards	Olympia, WA	360-463-1079

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: Stephanie Frazee
Address: P.O. Box 9046, Olympia, WA 98507-9046
Phone: 425-465-0313
Fax: 844-652-7096
TTY: Relay 771
Email: rules@esd.wa.gov
Other: <https://esd.wa.gov/newsroom/rulemaking/wildfires-and-other-disasters-permanent-rulemaking>

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No The rulemaking is not expected to impose additional costs to businesses.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: December 11, 2023

Name: Joy Adams

Title: Employment System Policy and Integrity Director

Signature:

