



**RULE-MAKING ORDER  
EMERGENCY RULE ONLY**

**CR-103E (December 2017)  
(Implements RCW 34.05.350  
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: November 20, 2020

TIME: 9:04 AM

WSR 20-24-026

**Agency:** Employment Security Department

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** To permit individuals who are reopening unemployment claims to backdate the reopening date "for the convenience of the department," as that term is defined by WAC 192-110-095(2)(b).

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 192-110-050
- Suspended:

**Statutory authority for adoption:** RCW 50.12.010, 50.12.040, 50.20.140

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** In March and April 2020, the Employment Security Department saw an unprecedented surge in unemployment claims as a result of restrictions adopted to prevent the spread of COVID-19. After this initial surge, many claimants returned to work over the summer months as restrictions were eased across the state. Then on November 15, 2020, the Governor issued Proclamation 20-25.8, which increased restrictions in order to slow the spread of rapidly increasing COVID-19 cases in the state and ensure that hospital and medical systems are not overwhelmed. Therefore, Employment Security is anticipating a surge in requests by individuals to reopen their initial claims. Under the current version of WAC 192-110-050, Employment Security cannot backdate a reopening date unless a claimant shows good cause for not reopening their claim earlier. Permitting Employment Security to backdate the reopening date "for the convenience of the Department" will give Employment Security the flexibility needed to backdate a reopening date in situations where it is difficult or impossible for Employment Security to accept a timely application, such as lack of available staff or equipment breakdowns..

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____

Recently enacted state statutes: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended 1 Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

Pilot rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

Other alternative rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**Date Adopted:** November 20, 2020

**Name:** Dan Zeitlin

**Title:** Employment System Policy Director

**Signature:**

