



Significance Analysis

Transportation Network Companies – Calculating and Reporting Hours Worked

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).

Analysis

- a) This rulemaking is necessary to amend current rules in accordance with the Department’s 2022 legislative report on transportation network companies and to integrate transportation network companies and their drivers into the unemployment insurance system as set forth in SHB 1570 (2023). Transportation network companies are required to report the hours worked by their drivers in their quarterly reports under RCW 50.12.070. This rulemaking will set forth the method for transportation network companies to calculate and report hours worked by drivers in their quarterly reports to the Department.
- b) A cost-benefit analysis has been prepared by the Department. The cost-benefit analysis is available on the Department’s webpage.
([https:// https://esd.wa.gov/newsroom/rulemaking/transportation-network-companies](https://esd.wa.gov/newsroom/rulemaking/transportation-network-companies))
- c) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rulemaking are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.
- d) The amendment to WAC 192-310-040 was agreed upon by transportation network company and driver representatives and the rule represents the least burdensome alternative.
- e) The rule does not require those to whom it applies to take an action that violates the requirements of another federal or state law.
- f) The rule does not impose any performance requirements on public or private entities.
- g) These rules do not differ from any other federal regulation or statute.
- a) The Department has coordinated this rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.