



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 18, 2021

TIME: 9:17 AM

WSR 21-07-084

**Agency:** Employment Security Department

**Subject of possible rule making:** Adjusting the hours unemployment claimants must be available for work in order to be eligible for unemployment benefits and updating factors used to determine suitable work.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department. RCW 50.12.042 provides specific rulemaking authority regarding the requirement that unemployment claimants be able to work, available for work, and actively seek work. RCW 50.20.100 provides rulemaking authority to determine what factors are used to determine suitable work.

**Reasons why rules on this subject may be needed and what they might accomplish:** Under current rules, unemployment claimants must be available for work during all the usual hours and days of the week customary for their occupation. This requirement can be unobtainable for some claimants who work in 24/7 professions, especially those claimants who have family caregiving responsibilities. Rulemaking is necessary to set a more obtainable standard. Additionally, rulemaking is necessary to include shifts of employment as a factor used to determine suitable work, consistent with Unemployment Insurance Program Letter No. 41-98.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The proposed rule will be shared with stakeholders as identified through the standard rulemaking process. ESD will solicit input and consider all comments in the development of the final rule.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Josh Dye

Address: P.O. Box 9046

Phone: 360-890-3472

Fax: 844-652-7096

TTY: Relay 711

Email: rules@esd.wa.gov

Web site: <https://esd.wa.gov/newsroom/rulemaking/benefits>

Other:

(If necessary)

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

Additional comments:

<b>Date:</b> March 18, 2021	<b>Signature:</b> 
<b>Name:</b> Daniel Zeitlin	
<b>Title:</b> Employment System Policy Director	