



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 26, 2021

TIME: 12:05 PM

WSR 21-16-034

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 2, 2022 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain:

Purpose: Under current rules, unemployment insurance benefits 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 of availability. 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.

Citation of rules affected by this order:

New: WAC 192-170-020
 Repealed:
 Amended: WAC 192-140-200; WAC 192-170-010, -050, -070, -090; and WAC 192-200-005
 Suspended:

Statutory authority for adoption: 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 50.20.010 addresses the requirement that claimants be able to work, available for work, and actively seeking work. RCW 50.20.100 provides rulemaking authority to determine what factors to consider when determining suitable work..

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-11-004 on May 7, 2021 (date).
 Describe any changes other than editing from proposed to adopted version:
 The final rule is updated to reflect current subsection numbering of WAC 192-170-010, which was amended by WSR 21-12-068 on May 28, 2021.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

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

New	<u>1</u>	Amended	<u>6</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: July 26, 2021

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature:

