



Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department's reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received regarding the proposed rules and responses to the comments.

REASONS FOR ADOPTING THE RULE

Current availability requirements force many Washington workers to make difficult choices between providing care necessary for family members and being available for work during unattainable days and hours. Approximately forty percent of industries in Washington are classified as having customary hours of twenty-four hours a day, seven days a week. This forces claimants to be available morning, afternoons, and overnight, even if the claimant had not previously worked shifts during those time frames. Many claimants are unable to accept work different from previous work schedules due to obligations for providing care for a child or vulnerable adult, which precludes the claimant from receiving unemployment insurance benefits. By removing the requirement that claimants be available for "all of" the customary hours of the industry, claimants are provided flexibility to receive UI benefits.

VARIANCE BETWEEN PROPOSED RULE AND FINAL RULE

The final rule is updated to reflect current subsection numbering. The subsections in WAC 192-170-010 were amended by WSR 21-12-068 on May 28, 2021.

SUMMARY OF COMMENTS TO PROPOSED RULES AND AGENCY RESPONSE

Anne Paxton, Unemployment Law Project

The Unemployment Law Projects supports the proposed rule. The rule provides a needed update of archaic and overbroad language which places difficult conditions on unemployed workers seeking a job. It also adapts state law to family and workplace realities. In addition, it complies with federal law in adopting policies supported by the U.S. Department of Labor, and it carries out the explicit purpose of Title 50 RCW to ease the burden of unemployment on workers.