

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).

- a) 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.
 - b) Rulemaking is needed to set clear standards for when claimants must be available for work in order to qualify for unemployment benefits.
 - c) A cost-benefit analysis has been prepared by the Employment Security Department. The cost-benefit analysis is available on the Department's webpage. (<https://www.esd.wa.gov/newsroom/ui-rule-making/hours-of-availability>)
 - d) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rules are greater than their probable costs.
 - e) WAC 192-170-020 and the amendments to WAC 192-170-010, -050, -070, -090 and WAC 192-200-005, -200 represent the least burdensome alternative for those required to comply. The changes are less restrictive than current rules.
 - f) The rules do not require those to whom it applies to take an action that violates the requirements of another federal or state law.
 - g) The rules do not impose any performance requirements on public or private entities.
 - h) These rules do not differ from any other federal regulation or statute.
 - i) The Department has coordinated these rules, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.
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