PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 04, 2025
TIME: 1:21 PM

WSR 26-01-016

Agency: Employment Security Department

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as WSR 25-17-088; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: WAC 192-460-150 Use of employee information under the Securing Timely Notification and Benefits for Laid-off Employees Act.

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
January 30, 2026	9:00 AM	Zoom: https://esd-wa-gov.zoom.us/j/89043828043?pwd=e8votxtNm6fri26164sQDnE6YYhQCv.1 Meeting ID: 890 4382 8043 Passcode: 466506	

Date of intended adoption: February 2, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:	**Assistance for persons with disabilities:**
Name: Stephanie Frazee	Contact: Teresa Eckstein
Address: P.O Box 9046, Olympia, WA 98507-9046	Phone: 360-507-9890
Email: esdgpuirules@esd.wa.gov	Fax: 360-586-4600
Fax: 844-652-7096	TTY: Relay 711
Other	Email: Teresa.eckstein@esd.wa.gov
Beginning December 4, 2025	Other
By January 30, 2026, at 5:00 PM	By January 23, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Under Chapter 49.45 RCW, certain employers are required to provide notice to impacted employees and the Department before the employer initiates a mass layoff or business closing, with certain exceptions. The notices must include the names and addresses of impacted employees. The purpose of this new rule is to explain that employee information received by the Department through employer notices required by RCW 49.45.020 will be used by the Department to administer and provide services to those individuals under the Employment Security Act in Title 50 RCW. Specifically, the Department will use the information in the notices to provide unemployment insurance information, Dislocated Worker Program services, job seeker services, and retraining services, among others. This rule will help clarify that, although the notices are required under Chapter 49.45 RCW, the Department will use the information in the notices to carry out its duties under Title 50 RCW.

Reasons supporting proposal: The proposed rule is necessary to explain that employee information received by the Department through employer notices required by RCW 49.45.020 will be used by the Department to administer and provide services to those individuals under the Employment Security Act in Title 50 RCW. Specifically, the Department will use the information in the notices to provide unemployment insurance information, Dislocated Worker Program services, job seeker services, and retraining services, among others. This rule will help clarify that, although the notices are required under Chapter 49.45 RCW, the Department will use the information in the notices to carry out its duties under Title 50 RCW.

Statutory authority for adoption: RCW 49.45.070, RCW 50.12.010, RCW 50.12.040.

Statute being implemented: RCW 49.45.020, RCW 50.12.190-.252, RCW 50.13.020, Chapter 50.20 RCW.

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) Employment Security Department
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Stephanie Frazee	Olympia, WA	425-465-0313
Implementation	J.R. Richards	Olympia, WA	360-463-1079
Enforcement	J.R. Richards	Olympia, WA	360-463-1079

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

☒ No: Please explain: The rule is exempt from the requirement to prepare a cost-benefit analysis under RCW 34.05.328(5)(b)(ii) because the rule relates only to internal governmental operations that are not subject to violation by a nongovernment party.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- ☒ RCW 34.05.310 (4)(b) (Internal government operations)
- ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The rule explains how the Department uses the information it receives from the employer notices; therefore, the rule pertains only to the Department's internal operations and does not impose any requirements on other parties.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. *(Skip section 3.)* Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. *(Complete section 3.)* The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):

☐ The rule proposal: Is not exempt. *(Complete section 3.)* No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: December 4, 2025

Name: Joy Adams

Title: Director, Employment System Policy & Integrity Division

Signature: