



# 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: April 27, 2026**  
**TIME: 12:39 PM**  
**WSR 26-10-012**

**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 192-460-160 Documentation requirements for exceptions to RCW 49.45.020 Notice requirement.

**Hearing location(s):**

**Date:**                      **Time:**                      **Location: (be specific)**                      **Comment:**

Date:	Time:	Location: (be specific)	Comment:
June 10, 2026	9:00 AM	Zoom https://esd-wa-gov.zoom.us/j/85911239278?pwd=Lu24Gmn1Y9jj2Nn3RX2KHoHxiuFgO3.1  Meeting ID: 859 1123 9278 Passcode: 962086  ---  One tap mobile +13092053325,,85911239278#,,,*962086# US +13126266799,,85911239278#,,,*962086# US (Chicago)	

**Date of intended adoption:** June 12, 2026 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Stephanie Frazee  
Address: P.O Box 9046, Olympia, WA 98507-9046  
Email: esdgpuirules@esd.wa.gov  
Fax: 844-652-7096  
Other  
Beginning on date of filing  
By May 29, 2026, at 5:00 PM

**Assistance for persons with disabilities:**

Contact: Teresa Eckstein  
Phone: 360-507-9890  
Fax: 360-586-4600  
TTY: Relay 711  
Email: Teresa.eckstein@esd.wa.gov  
Other  
By May 22, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Engrossed Substitute Senate Bill 5525 (2025) (ESSB 5525) requires that certain employers provide notice of business closures and mass layoffs. RCW 49.45.020. ESSB 5525 includes specific exceptions to the employer layoff or closure notice requirements and states that employers must provide documentation to the Department to establish that an exception applies. RCW 49.45.030(3). This new rule clarifies what types of documentation an employer may submit.

**Reasons supporting proposal:** RCW 49.45.070 requires the Department to adopt rules including documentation requirements for the exceptions to the notice requirements set forth in RCW 49.45.030.

**Statutory authority for adoption:** RCW 49.45.070.

**Statute being implemented:** RCW 49.45.030, RCW 49.45.070.

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**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: Stephanie Frazee  
Address: P.O Box 9046, Olympia, WA 98507-9046  
Phone: 425-465-0313  
Fax: 844-652-7096  
TTY: Relay 771  
Email: esdgpurules@esd.wa.gov  
Other: <https://esd.wa.gov/about-us/who-we-are-and-what-we-do/rulemaking/unemployment-insurance-benefits-rules>

No: Please explain:

**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:

**(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.

The rule clarifies the existing statutory documentation requirement for businesses with fifty or more employees seeking an exception to the business closure and mass layoff notice requirements. The rule does not impose any additional requirements and clarifies the documents that may be provided. Providing the documentation is expected to have minimal costs to small businesses.

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:** April 27, 2026

**Name:** Joy Adams

**Title:** Director, Employment Security Policy & Integrity Division

**Signature:**

