

Concise Explanatory Statement Registration for Work

Introduction

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

In order to be eligible for unemployment benefits, an individual must be registered for work through the state's labor exchange system, under RCW 50.20.010. Under the current version of WAC 192-180-005, if an individual lives within the state of Washington, the Department will generally automatically register that individual for work based on the information provided in the application for unemployment benefits; individual who live in a state other than Washington must register for work within one week of the date their first payment is issued. Under the proposed amendments to the rule, all claimants will be required to register themselves for work. The goals of the rulemaking include ensuring compliance with RCW 50.20.010 and federal guidance. Additionally, the Department is updating its Workforce Integrated Technology system in 2026. One of the reasons for the update is to comply with legal requirements regarding claimant registration for work (RCW 50.20.230), and this rule change is necessary to be consistent with those operational changes. Currently, with the Department registering some claimants for work, those claimants may not be aware that they have been registered for work and may not be aware of the reemployment services available to them through the labor exchange system. These services include job postings, assisting individuals on creating a resume, matching their skills with potential employers and employment resources and training opportunities. Having claimants register themselves will help ensure that they have access to the work registration system and can take advantage of these and more services.

Variance between proposed rule and final rule

The Department has considered the public comment and determined that no changes should be made to the rule language based on the comments. However, the Department did determine that the proposed rule language should be updated to account for how claimants who have been regularly commuting to work in Washington from out of state should register for work. Therefore, subsection (3) of the rule was updated to state the following (the language updated since the proposed rule was shared is underlined):

(3) **How do I register for work?** You register for work by creating a user account on the state's public online labor exchange system and making your resume or profile viewable by employers. If you live in a state other than Washington, you must register for work either in Washington or with the equivalent public employment agency in the state where you live.

Summary of comments to proposed rules and agency response

Public Comment

Shannon Murdock:

I am writing to provide formal public comment on the proposed amendments to WAC 192-180-005. Having relied on Washington's UI system twice—after being laid off by Dell in 2018 and again after a separation from the City of Tacoma in 2023—I know firsthand that the weeks following a job loss are defined by anxiety and survival. Navigating state systems during this "fog of unemployment" is difficult enough without the state removing existing safety nets.

I am deeply concerned that these changes shift the burden of "administrative perfection" entirely onto the claimant at their most vulnerable moment. Below are my specific critiques of the proposed language:

1. **Removal of "Automatic" Safety Nets:** The deletion of the department's obligation to register claimants automatically (Section 2a) is a step backward. Previously, the application itself served as the registration. By making this a manual "opt-in" requirement, you are creating a trap for those who—rightly—assume their initial application covers their requirements.
2. **Ambiguity of the "Notification" Trigger:** Sections (2)(a) and (4) trigger a strict one-week deadline based on when a claimant is "notified." However, "notified" is not defined. If a claimant misses a message in a cluttered eServices inbox or receives a delayed USPS letter, they may have only 48–72 hours to comply before losing their livelihood.
3. **Increased Technical Barriers:** Redefining registration in Section (3) as a multi-step process (account creation, resume building, and toggling "viewable") introduces significant hurdles. For claimants with limited digital literacy or those relying on a smartphone, these extra steps are not just "paperwork"—they are barriers to entry that can lead to technical disqualification.
4. **Disparate Impact on Claimants with Disabilities:** These changes would especially burden claimants with disabilities that affect executive function, concentration, memory, communication, or stress tolerance, including ADHD, severe anxiety, depression, PTSD, and similar conditions. I say this from personal experience as someone with severe anxiety. In the immediate aftermath of job loss, claimants are often in crisis: trying to pay rent, preserve housing, manage health needs, respond to employers, search for work, and navigate an unfamiliar benefits system. Under those conditions, people with disabilities are especially likely to miss a message, misunderstand a multi-step requirement, fail to toggle the correct setting, or simply drop the ball despite acting in good faith. A rule that turns those predictable human mistakes into total benefit denial will disproportionately punish disabled claimants.
5. **Severity of the Penalty without "Good Cause":** Section (5) remains draconian, allowing for the total denial of benefits for any week of non-compliance. Unlike other sections of Washington's UI law, this language lacks a "good cause" exception for those who are overwhelmed, forgetful, disabled, experiencing a crisis, or otherwise making good-faith efforts to comply.

Unemployment benefits serve as a vital safety net, ensuring basic needs are met during a difficult transition. Introducing a manual, complicated registration process with immediate penalties will inevitably result in people losing essential support due to minor administrative mistakes. That risk is especially serious for claimants with disabilities, who may need clearer instructions, reminders, grace periods, and good-cause protections—not harsher technical traps.

I strongly urge the department to preserve automatic registration. At minimum, ESD should implement a meaningful grace period, clear notice requirements, plain-language instructions, disability-conscious reminders, and a "good cause" exception before denying benefits for registration-related non-compliance.

Thank you for your time and for considering the perspective of those who actually use this system.

Agency Response:

The Department understands and appreciates the commenter's concerns. State and federal requirements do not include a "good cause" exception for claimants who do not register for work. Therefore, such an exception is not included in the rule language.

Self-registration is expected to benefit claimants by providing them with better access to and awareness of the labor exchange system. The labor exchange system is designed to provide claimants with reemployment resources and opportunities. When claimants were being automatically registered with the system by the Department, they were sometimes unaware they had been registered, and, therefore, they sometimes did not know how to access the system or its associated services and benefits. Although self-registration will require an additional action from claimants, the Department expects claimants to benefit from the new requirement.

The Department is engaging in outreach to claimants to inform them of the requirement of registering for work. Additionally, new claimants will be informed of the requirement in their presentation of benefit rights. This notice is provided to every claimant. The notice will provide plain language instructions on how and when to register.

The Department recognizes the commenter's concerns regarding individuals who may have technological or other barriers and regarding disparate outcomes for individuals with disabilities. These concerns relate more to implementation of the rule, rather than the rule language itself. The Department is training staff to assist claimants in registering for work. Additionally, claimants have access to WorkSource offices and staff who can assist claimants in registering. The Department is engaging in outreach to claimants to ensure they have access to the support they need to register themselves for work in accordance with the new requirement. It is also important to note that the Department is implementing a "grace period" after the new rule language goes into effect to allow claimants time to register before claim eligibility may be impacted.
