



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 07, 2021

TIME: 10:54 AM

WSR 21-11-009

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The adopted rules implement several changes to Title 192 WAC and include: technical changes to ensure the rules are consistent with Title 50A RCW and other paid leave rules under Title 192 WAC; technical and grammatical changes for clarification; adding a definition of “illegal act” for the purposes of benefit disqualification under RCW 50A.15.060; clarifying employment restoration requirements for successor and predecessor employers to align with federal requirements; clarifying what hours are considered “worked” for the purposes of employment restoration to align with federal requirements; clarifying requirements for small business assistance grants; adding language for withdrawal of an appeal when a redetermination has been made in the appellant’s favor; and adding a requirement that hearings be closed to the public unless an open hearing is agreed upon by all parties.

Citation of rules affected by this order:

New:

- WAC 192-610-090 What is an “illegal act” for the purposes of benefit disqualification?
- WAC 192-700-006 What hours are considered “worked” for the purposes of employment restoration?
- WAC 192-700-007 Employment restoration requirements for predecessor and successor employers.
- WAC 192-800-155 What information from a proceeding before the appeal tribunal or commissioner is publicly disclosable?

Repealed:

Amended:

- WAC 192-510-050 How will the department assess the size of new employers?
- WAC 192-560-010 Which businesses are eligible for small business assistance grants?
- WAC 192-620-020 What information will the department request from an employee when filing for weekly benefits?
- WAC 192-620-035 When will a weekly benefit amount be prorated?
- WAC 192-800-045 Can an appeal be withdrawn?

Suspended:

Statutory authority for adoption: RCW 50A.05.060, RCW 50A.25.030

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-06-111 on 03/03/2021 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: April Amundson

Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046

Phone: 360-485-2816

Fax:

TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)

Email: rules@esd.wa.gov

Web site: <https://paidleave.wa.gov/rulemaking/>

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>4</u>	Amended	<u>5</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	4	Amended	5	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	4	Amended	5	Repealed	___

Date Adopted: May 7, 2021

Name: April Amundson

Title: Policy and Rules Manager, Leave and Care Division

Signature:

