**RULE-MAKING ORDER**  
**PERMANENT RULE ONLY**  
CR-103P (December 2017)  
(Implements RCW 34.05.360)

**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  
  - ☐ Other (specify)

**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- **Repealed:**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  - WAC 192-800-045 Can an appeal be withdrawn?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  
- **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:

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<td>Federal rules or standards</td>
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<td>Recently enacted state statutes</td>
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#### The number of sections adopted at the request of a nongovernmental entity:

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#### The number of sections adopted on the agency’s own initiative:

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#### The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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#### The number of sections adopted using:

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**Date Adopted:** May 7, 2021

**Name:** April Amundson

**Title:** Policy and Rules Manager, Leave and Care Division

**Signature:**

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