



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: May 18, 2021

TIME: 8:41 AM

WSR 21-11-079

Agency: Employment Security Department

Title of rule and other identifying information: (describe subject) WAC 192-240-025: Failure to apply for or accept suitable work— RCW 50.22.020 (4)(b)—Extended benefits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: On April 16, 2021, the Governor signed Substitute Senate Bill 5425 (2021) which, among other things, updated the requirements for extended unemployment benefits for claimants when offered suitable work. Under the proposed expedited rule, a claimant will be denied extended benefits for failing to accept suitable work if the job was either offered in writing or listed with the Department, as opposed to denying benefits if the job was offered in writing and listed with the Department. .

Reasons supporting proposal: Under former RCW 50.22.020(4)(b), the Department did not deny extended unemployment benefits to a claimant for failing to accept suitable work if the position was not offered to the individual in writing and was not listed with the Department. The Legislature amended RCW 50.22.020 in Substitute Senate Bill 5425 (2021) to require that extended benefits be denied if the job was either offered in writing or listed with the Department. The rule needs to be changed in order to make the rule consistent with the underlying statute. Failing to change the rule will mean the rule will be in direct conflict with the underlying statute.

Statutory authority for adoption: RCW 50.22.020(4)(b) addresses denial of extended benefits for failing to accept suitable work; RCW 50.12.010 and RCW 50.12.040 provides general rulemaking authority to the Employment Security Department

Statute being implemented: RCW 50.22.020

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Name of proponent: (person or organization) Employment Security Department

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☒ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed expedited rule aligns WAC 192-240-025 with changes made in Laws of 2021, ch. 107, Sec. 3 (Substitute Senate Bill 5425).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) July 20, 2021

Date: May 18, 2021

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature:

