

## WSR 21-11-007

## EMERGENCY RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed May 7, 2021, 10:46 a.m., effective May 7, 2021, 10:46 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The emergency rule provides clarity for which unemployment insurance benefit claimants are subject to a one week waiting period and which claimants are exempt. The department filed WSR 21-03-007 on January 7, 2021, to adopt WAC 192-110-006. This emergency rule replaces WAC 192-110-006 to reflect changes required due to the passage of the federal American Rescue Plan Act of 2021.

Citation of Rules Affected by this Order: New WAC 192-110-006.

Statutory Authority for Adoption: RCW 50.12.040.

Other Authority: Proclamation by the Governor 20-21 through 20-21.11.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: On March 28, 2020, pursuant to the governor's emergency powers, the governor issued Proclamation 20-21, which waived the statutory requirement that unemployment insurance claimants serve an unpaid waiting week before claimants can receive unemployment benefits. Since that time, leaders in the legislature repeatedly authorized the extension of this proclamation and the statutory waiver until December 28, 2020, at which time, the proclamation expired.

On February 8, 2021, the governor signed ESSB 5061, chapter 2, Laws of 2021. Section 8 of ESSB 5061 allows for waiting weeks for unemployment insurance benefits to be waived when the federal government pays or reimburses the first week of benefits. In March of 2021, Congress passed, and the president signed the American Rescue Plan Act of 2021. The act provides that from the week ending April 4, 2020, through the week ending September 4, 2021, the federal government will fully reimburse employment security for the first week of benefits during any week for which there is no requirement that claimants serve a waiting week in order to receive benefits.

This emergency rule is necessary to prevent further economic hardship on Washington employers who had to lay off employees as a result of COVID-19, especially in light of the fact that the first week an individual was unemployed has traditionally been an unpaid week, as well as the fact that the first week of benefits is currently being fully reimbursed by the federal government.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 7, 2021.

Dan Zeitlin  
Policy Director

**OTS-2846.2**

NEW SECTION

**WAC 192-110-006 Waiving the week requirement when the first week of unemployment benefits are federally funded.** Starting after the week ending March 7, 2020, through the week ending September 4, 2021, and any other week where the one week waiting period is fully paid or fully reimbursed by the federal government, you will not be required to serve an unpaid waiting week before you receive unemployment insurance benefits.

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