

WSR 20-10-003
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed April 23, 2020, 11:57 a.m., effective May 24, 2020]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending current land survey monument preservation standards and procedures. Adding new memorandum of understanding for pavement preservation treatment projects that temporarily cover land survey monuments. The department of natural resources is authorized by RCW 58.24.-040(8) to: "Permit the temporary removal or destruction of any section corner or any other land boundary mark or monument..."

Citation of Rules Affected by this Order: New WAC 332-120-080; and amending WAC 332-120-020 and 332-120-060.

Statutory Authority for Adoption: RCW 58.24.040(8).

Adopted under notice filed as WSR 20-06-013 on February 20, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 23, 2020.

Angus Brodie
Deputy Supervisor
for State Uplands

AMENDATORY SECTION (Amending WSR 94-06-034, filed 2/25/94, effective 3/28/94)

WAC 332-120-020 Definitions. The following definitions shall apply to this chapter:

Covering: The physical covering of a survey monument such that the physical structure is no longer visible or readily accessible.

Department: The department of natural resources.

Engineer: Any person authorized to practice the profession of engineering under the provisions of chapter 18.43 RCW who also has authority to do land boundary surveying pursuant to RCW 36.75.110, 36.86.050, 47.36.010 or 58.09.-090.

Geodetic control point: Points established to mark horizontal or vertical control positions that are part of the National Geodetic Survey Network.

Land boundary survey corner: A point on the boundary of any easement, right of way, lot, tract, or parcel of real property; a controlling point for a plat; or a point which is a General Land Office or Bureau of Land Management survey corner.

Land corner record: The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

Land surveyor: Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

Local control point: Points established to mark horizontal or vertical control positions that are part of a permanent government control network other than the National Geodetic Survey network.

Parcel: A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

Pavement preservation treatment: Asphalt light bituminous applications such as slurry, micro seal, cape and chip seal treatments that are typically less than 5/8 inch thick.

Removal or destruction: The physical disturbance ((or covering)) of a monument such that the ((survey point is)) physical structure no longer ((visible or readily accessible)) marks the location of the land boundary position.

Survey monument: The physical structure, along with any references or accessories thereto, used to mark the location of a land boundary survey corner, geodetic control point, or local control point.

Survey Recording Act: The law as established and designated in chapter 58.09 RCW.

AMENDATORY SECTION (Amending WSR 94-06-034, filed 2/25/94, effective 3/28/94)

WAC 332-120-060 Project completion—Perpetuation of the original position. (1) After completion of the activity that caused the removal or destruction of the monument, a land surveyor or engineer shall, unless specifically authorized otherwise:

(a) Reset a suitable monument at the original survey point or, if that is no longer feasible;

(b) Establish permanent witness monuments easily accessible from the original monument to perpetuate the position of the preexisting monument.

(2) Land boundary survey monumentation required by this chapter shall meet the requirements of the RCW 58.09.-120 and 58.09.130.

(3) After completion of the remonumentation, the land surveyor or engineer shall complete the report form required by this chapter and forward it to the department.

(4) ((Additionally, after remonumenting any corner originally monumented by the GLO or BLM, a land corner record form shall also be filed with the county auditor as required by the Survey Recording Act.)) A record of survey or land corner record shall be completed as required by the Survey Recording Act to document the remonumentation in the public record.

NEW SECTION

WAC 332-120-080 Survey monument preservation MOU for chip seal projects. The purpose of this section is to cooperatively promote a reasonable method of land survey monument preservation throughout a pavement preservation treatment project in lieu of requiring an application for permit to remove or destroy a survey monument, per WAC 332-120-030.

(1) It is the responsibility of the licensed engineer, or their designee, in responsible charge of any pavement preservation project, which may cover existing visible survey monuments, to search for and identify any such survey monuments within the project limits.

(2) A state, county, or municipal agency conducting annual pavement preservation projects that cover existing survey monuments in the roadway may enter into an MOU with DNR which must include the following requirements:

(a) Annually, prior to the start date of planned pavement preservation projects, send notification to the department of planned projects for that year with road names and mileposts and/or beginning and ending intersections, including start date and expected date of completion;

(b) Acknowledgment of the agency's responsibility to ensure that all known survey monuments within the project area are located and protected;

(c) All monuments that were covered during a project shall be uncovered and made accessible after completion of annual activities; and

(d) The professional engineer in responsible charge of pavement preservation projects shall submit an annual letter to the department certifying that the affected monuments were uncovered.

(3) An agency which does not enter into an MOU under this section is required to submit a permit application following WAC 332-120-030 through 332-120-070 for any pavement preservation project that will cover a survey monument.

WSR 20-10-015**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed April 24, 2020, 9:39 p.m., effective April 24, 2020, 9:39 p.m.]

Effective Date of Rule: Immediately upon filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare. This rule amendment will reduce barriers to the COVID-19 response by helping nurses become licensed in Washington.

Purpose: The commission is adopting amendments to WAC 246-840-342 and 246-840-360 pertaining to advanced registered nurse practitioners (ARNP) clinical practice hour requirements for license renewal and initial interstate endorsement.

The commission's advanced practice subcommittee completed a literature review and determined that the requirement for ARNPs to submit proof of two hundred fifty

clinical practice hours upon license renewal or initial interstate endorsement is not necessary due to other requirements for license renewal or initial interstate endorsement.

Citation of Rules Affected by this Order: Amending WAC 246-840-342 and 246-840-360.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 18.79.160.

Adopted under notice filed as WSR 20-09-038 on April 7, 2020.

A final cost-benefit analysis is available by contacting Brandon Williams, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4239, fax 360-236-4738, TTY 711, email brandon.williams@doh.wa.gov.

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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 2, Repealed 0.

Date Adopted: April 16, 2020.

Paula Meyer, RN, MSN, FRE
Executive Director

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-342 Licensure for ARNP applicants by interstate endorsement. (1) An applicant for interstate endorsement for Washington state licensure as an ARNP shall meet the following requirements:

(a) Have an active RN and ARNP license, or recognition in another state or jurisdiction, as practicing in an advanced practice role, without sanctions or restrictions;

(b) Have a graduate degree from an advanced nursing education program as identified in WAC 246-840-340 (1)(b); and

(c) Hold certification from a certifying body as identified in WAC 246-840-302(3)(~~and~~);

(~~d) Have been performing advanced clinical practice as defined in WAC 246-840-010(1) as a licensed ARNP, or in the role of an advanced practice nurse as defined in WAC 246-840-010(2), for at least two hundred fifty hours within the two years prior to the date of application.~~)

(2) An applicant for an ARNP license through interstate endorsement shall:

(a) Apply for and be granted a Washington state RN license as identified in WAC 246-840-090;

(b) Submit a completed ARNP application for licensure to the commission;

(c) Submit the license fee as specified in WAC 246-840-990;

(d) Request the certifying body, as identified in WAC 246-840-302, to send official documentation of certification directly to the commission;

(e) Request the advanced nursing educational program to send an official transcript directly to the commission showing courses, grades, degree or certificate granted, official seal and appropriate registrar; and

(f) Submit nursing education program objectives and course descriptions when requested by the commission(~~;~~ and

~~(g) Submit evidence of at least two hundred fifty hours of advanced clinical practice as an ARNP, or at an advanced nursing practice level, within the two years prior to the date of application. The two hundred fifty hours may include teaching advanced nursing practice if providing direct patient care as a faculty member or serving as a preceptor in a clinical setting.~~

~~(3) An ARNP applicant who does not meet practice requirements shall complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(4) An ARNP applicant needing to complete the supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5)).~~

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-360 Renewal of ARNP licensure. (1)

An applicant applying for ARNP license renewal, shall have:

(a) An active Washington state RN license, without sanctions or restrictions;

(b) Current certification from a certifying body as identified in WAC 246-840-302; and

(c) Thirty contact hours of continuing education obtained during the renewal period in each ARNP designation. An ARNP who has certification in more than one area of practice may count the continuing education hours for more than one certification when applicable to each area of practice(~~;~~ and

~~(d) At least two hundred fifty hours in advanced clinical practice for each ARNP designation within the two year licensing renewal cycle. The two hundred fifty hours may include teaching advanced nursing practice only when the faculty member is providing patient care or serving as a preceptor in a clinical setting)).~~

(2) An applicant for ARNP licensure renewal shall comply with the requirements of chapter 246-12 WAC, Part 2 and submit:

(a) The renewal license fee as specified in WAC 246-840-990;

(b) Evidence of current certification by the commission approved certifying body for each designation;

(c) A written declaration, on forms provided by the commission attesting to: ~~((+))~~ Completion of thirty contact hours of continuing education during the renewal period for each ARNP designation; and

~~((ii) Completion of a minimum of two hundred fifty hours of advanced clinical practice for each designation in the ARNP role within the last two years.))~~

(d) Evidence of completion of continuing education contact hours and advanced clinical practice hours when requested by the commission.

~~((3) An applicant for ARNP licensure renewal who does not meet advanced clinical practice requirements shall complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(4) An applicant for ARNP licensure renewal needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5).))~~

WSR 20-10-025

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 27, 2020, 3:52 p.m., effective May 28, 2020]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-08-400, health care provider charges for searching and duplicating records, the department of health (department) is making the biennial adjustment to the maximum amounts health care providers are allowed to charge for searching and duplicating health care records. RCW 70.02.010(38) requires the department to adjust the amounts every biennium based on the change in the consumer price index (CPI) for the Seattle-Tacoma area. The adopted rule increases the maximum amount that may be charged by 6.3 percent.

Citation of Rules Affected by this Order: Amending WAC 246-08-400.

Statutory Authority for Adoption: RCW 70.02.010(38) and 43.70.040.

Adopted under notice filed as WSR 20-04-029 on January 28, 2020.

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.

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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 1, Repealed 0.

Date Adopted: April 24, 2020.

Jessica Todorovich
Chief of Staff

for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 17-17-019, filed 8/7/17, effective 9/7/17)

WAC 246-08-400 ((How much can a) Health care providers ((charge)) charging for searching and duplicating health care records((?)), RCW 70.02.010((37)) (38) allows health care providers to charge fees for searching and duplicating health care records. The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than one dollar and ~~((seventeen))~~ twenty-four cents per page for the first thirty pages;
 - (b) No more than ~~((eighty-eight))~~ ninety-four cents per page for all other pages.
- (2) Additional charges:
 - (a) The provider can charge a ~~((twenty-six))~~ twenty-eight dollar clerical fee for searching and handling records;
 - (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.
- (3) HIPAA covered entities as defined in 45 C.F.R. Sec. 103 may not charge fees or costs that are not authorized by, or are prohibited by, Federal HIPAA regulation 45 C.F.R. Sec. 164.

WSR 20-10-056

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed April 30, 2020, 11:23 a.m., effective July 5, 2020]

Effective Date of Rule: July 5, 2020.

Purpose: SB 5398 (chapter 50, Laws of 2019) amended RCW 50.20.010, 50.20.230, and 50.20.240 and established different eligibility requirements to receive unemployment insurance benefits for individuals complying with an electrical apprenticeship training program. Rules are necessary to more precisely define what these eligibility requirements are and specify the particular electrical apprentices to whom these new eligibility requirements apply.

Citation of Rules Affected by this Order: Amending WAC 192-140-090, 192-170-010, 192-180-005, 192-180-010, 192-180-040, and 192-180-060.

Statutory Authority for Adoption: RCW 50.12.010, 50.20.010, 50.20.230, 50.20.240, and 50.12.040.

Adopted under notice filed as WSR 19-21-082 on October 14, 2019.

Changes Other than Editing from Proposed to Adopted Version: Language in WAC 192-170-010(2) was updated to clarify the definition of allowable apprenticeship programs so it is consistent with the language used throughout the rule making.

A final cost-benefit analysis is available by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

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 6, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, 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 6, Repealed 0.

Date Adopted: April 30, 2020.

Dan Zeitlin
Policy Director

AMENDATORY SECTION (Amending WSR 19-12-091, filed 6/4/19, effective 7/22/19)

WAC 192-140-090 What happens if I do not schedule or report for reemployment services as provided in RCW 50.20.010 (1)(e)? (1) Written directives.

(a) The commissioner may direct you in writing to schedule a time to report in person for reemployment services. The written directive will contain a deadline by which you must schedule and participate in reemployment services.

(b) If you fail to schedule a time to participate in reemployment services by the deadline, you will be ineligible to receive benefits for the week containing the date of the deadline, unless you show justifiable cause.

(c) If you fail to participate in reemployment services at the time you scheduled, you will be ineligible to receive benefits for the week containing the time you scheduled, unless you show justifiable cause.

(d) The department may verify the reasons you failed to schedule or participate in reemployment services. In all such cases, your ability to work or availability for work may be questioned.

(2) **Exceptions.** You will not be required to participate in reemployment services if you:

(a) Are a member of a full referral union and are eligible for dispatch and referral according to union rules;

(b) Are attached to an employer as provided in WAC 192-180-005;

(c) Are participating in a training program approved by the commissioner; ~~((or))~~

(d) Within the previous year have completed, or are currently scheduled for or participating in, similar services; or

(e) Are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(3) **Minimum services.** The services will consist of one or more sessions which include, but are not limited to:

(a) Local labor market information;

(b) Available reemployment and training services;

(c) Successful job search attitudes;

- (d) Self-assessment of job skills and interests;
- (e) Job interview techniques;
- (f) The development of a resume or fact sheet; and
- (g) The development of a plan for reemployment.

(4) **Justifiable cause.** Justifiable cause for failure to schedule or participate in reemployment services as directed will include factors specific to you which would cause a reasonably prudent person in similar circumstances to fail to schedule or participate in reemployment services. Justifiable cause includes, but is not limited to:

- (a) Your illness or disability or that of a member of your immediate family;
- (b) Conflicting employment or your presence at a job interview scheduled with an employer; or
- (c) Severe weather conditions.

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-170-010 Availability for work—RCW 50.20.010. (1) In general, the department will consider you available for work if you:

(a) Are willing to work full-time, part-time, and accept temporary work during all of the usual hours and days of the week customary for your occupation.

(i) You are not required to be available for part-time or temporary work if it would substantially interfere with your return to your regular occupation.

(ii) The requirement to be available for full-time work does not apply under the circumstances described in WAC 192-170-050 (1)(b) or 192-170-070;

(b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;

(c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;

(d) Are available for work during the hours customary for your trade or occupation; and

(e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.

(2) You are considered available for work if you are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(3) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.

AMENDATORY SECTION (Amending WSR 17-01-051, filed 12/13/16, effective 1/13/17)

WAC 192-180-005 Registration for work—RCW 50.20.010(1) and 50.20.230. (1) **Am I required to register for work?** You must register for work unless you are:

- (a) Attached to an employer, meaning you are:
 - (i) Partially unemployed as defined in WAC 192-180-013(1);
 - (ii) On standby as defined by WAC 192-110-015;

(ii) Unemployed because you are on strike or locked out from the worksite as provided in RCW 50.20.090; or

(iv) Participating in the shared work program under chapter 50.60 RCW;

(b) A member of a union that participates in the referral union program (see WAC 192-210-110);

(c) Participating in a training program approved by the commissioner; (~~(e)~~)

(d) The subject of an antiharassment order. This includes any court-issued order providing for your protection, such as restraining orders, no contact orders, domestic violence protective orders, and similar documents; or

(e) An active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(2) How soon do I have to register?

(a) If you live within the state of Washington, the department will register you automatically based on information contained in your application for benefits. In unusual circumstances where you are not automatically registered, you must register within one week of the date on which you are notified by the department of the requirement to register for work.

(b) If you live in another state, you must register for work within one week of the date your first payment is issued on your new or reopened claim.

(3) **Where do I register for work?** You will be registered for work with the department. However, if you live in another state, you must register for work with the equivalent public employment agency in that state.

(4) **What is the penalty if I do not register for work?** You will not be eligible for benefits for any week in which you are not registered for work as required by this section.

AMENDATORY SECTION (Amending WSR 17-01-051, filed 12/13/16, effective 1/13/17)

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer as defined in WAC 192-180-005(1); (~~(e)~~)

(b) Participating in a training program approved by the commissioner; or

(c) An active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) What are my weekly job search requirements?

(a) At a minimum, you must:

(i) Make job search contacts with at least three employers each week; or

(ii) Participate in three approved in-person job search activities through the WorkSource office or the equivalent public employment agency in the state in which you reside, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is a contact with an employer to inquire about or apply for a job. You must use job search methods that are customary for your occupation and labor market area including, but not limited to, in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100 and 50.20.110) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume online (for example, Simplyhired.com or Craigslist) does not constitute a job search contact for purposes of this section; in addition to posting your resume, an application or contact with an employer for a job must be submitted to count as one of the required weekly job search contacts.

(5) **What is an "in-person job search activity"?** This is an activity provided or monitored through the WorkSource office or the equivalent public employment agency in the state in which you reside that will assist you in your reemployment efforts. It includes, but is not limited to, job search workshops, training classes, or other facilitated services provided or monitored by WorkSource staff or other affiliated agencies and approved by the local WorkSource office. For claimants residing in Washington state, an in-person job search activity must be documented in the department's computer system to qualify. For interstate claimants, the activity must be documented by the equivalent public employment agency in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section, unless the directive is required under WAC 192-180-012.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of looking for work;
- (c) Expand the geographic area in which you look for work;
- (d) Look for work in a secondary occupation; or
- (e) Accurately record your job search activities as required by WAC 192-180-015.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It

stays in effect until a new written directive is given; the directive is rescinded in writing; your benefit year ends; or you receive final payment on any extension of benefits related to that benefit year, whichever is later.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-180-040 Directive to attend job search workshop or training course—RCW 50.20.044. (1) The department may direct you, in writing, to attend a job search workshop or training course when it finds that your chances of finding employment will be improved by enrollment in such activity.

(2) You will not be directed to attend a job search workshop or training course if:

(a) You have an offer of bona fide work that begins within two weeks; or

(b) The workshop or training location is outside your labor market or would require you to travel further than the nearest WorkSource office or local employment center; ~~(or)~~

(c) You are a member in good standing of a full referral union, unless you are also being required to begin an independent search for work or have been identified as a dislocated worker as defined in RCW 50.04.075; or

(d) You are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(3) If you receive a directive and fail without good cause to attend a substantial portion of the workshop or training course during a week, you will be ineligible for benefits for the entire week. Good cause includes your illness or disability or that of a member of your immediate family, or your presence at a job interview scheduled with an employer. Reasons for absence may be verified and may result in a denial of benefits under RCW 50.20.010.

(4) Participation in a job search workshop when directed meets the definition of an "in-person job search activity" as defined in WAC 192-180-010.

(5) When attending a job search workshop or training course as directed, you will not be ineligible for benefits for failure to be available for work or to actively seek work under the provisions of:

(a) RCW 50.20.010 (1)(c);

(b) RCW 50.20.240; or

(c) RCW 50.22.020(1).

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-180-060 How will the department identify individuals who are likely to exhaust benefits?—RCW 50.20.011. (1) The department will use the profiling model described in this section to identify claimants who are likely to exhaust benefits and in need of job search assistance to obtain new employment.

(2) **Model.** Take all valid claims with a benefit year ending date that falls within a specified two-year time period. Screen out (a) members of unions participating in the referral union program (see WAC 192-210-100) and (b) claimants who do not have a job search requirement (employer

attached, in approved training, are an active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC, or unemployed due to strike or lockout) after all wages for the claimant on the current claim have been received. For the remaining claimants with a job search requirement, statistically combine information on industry, occupation and other personal characteristics, and labor market characteristics to generate a numerical score indicating the likelihood of exhausting benefits before finding work. The scores may range from 0% (no likelihood of exhaustion) to ~~((100%))~~ one hundred percent (certainty of exhaustion). Rank claimants based on their individual score from least likely to most likely to exhaust.

WSR 20-10-058

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 30, 2020, 12:37 p.m., effective July 20, 2020]

Effective Date of Rule: July 20, 2020.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: At the request of the transportation commission, the definition of the transportation commission has been edited in WAC 468-305-001 reflecting its statutory authority.

Purpose: The effective date for this rule making is changed to July 20, 2020.

Rules are needed to define customer requirements to use toll facilities and the Washington state department of transportation procedures for processing transactions and penalties. This rule making is required to update specific requirements and procedures that will change when a new toll back office system becomes operational.

Citation of Rules Affected by this Order: Amending WAC 468-305-001, 468-305-100, 468-305-105, 468-305-125, 468-305-131, 468-305-133, 468-305-150, 468-305-160, 468-305-210, 468-305-220, 468-305-300, 468-305-315, 468-305-316, 468-305-320, 468-305-330, 468-305-340, 468-305-400, 468-305-526, 468-305-527, 468-305-528, 468-305-529, 468-305-540, 468-305-570, and 468-305-580.

Statutory Authority for Adoption: RCW 46.63.160(5), 47.01.101(5), 47.56.030(1), and 47.56.795.

Adopted under notice filed as WSR 19-09-069 on April 16, 2019.

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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 24, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 24, 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: April 30, 2020.

Kara Larsen, Director
Risk Management and Legal Services

WSR 20-10-059

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed April 30, 2020, 1:11 p.m., effective May 31, 2020]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish official pay dates for state officers and employees for calendar year 2021.

Citation of Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 20-05-018 on February 7, 2020.

Date Adopted: April 30, 2020.

Roselyn Marcus
Assistant Director for
Rules Coordinator
Legal and Legislative Affairs

AMENDATORY SECTION (Amending WSR 19-12-008, filed 5/23/19, effective 6/23/19)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ~~((2019 and))~~ 2020 and 2021:

~~((CALENDAR YEAR 2019~~
~~Thursday, January 10, 2019~~
~~Friday, January 25, 2019~~
~~Monday, February 11, 2019~~
~~Monday, February 25, 2019~~
~~Monday, March 11, 2019~~
~~Monday, March 25, 2019~~
~~Wednesday, April 10, 2019~~
~~Thursday, April 25, 2019~~
~~Friday, May 10, 2019~~
~~Friday, May 24, 2019~~
~~Monday, June 10, 2019~~
~~Tuesday, June 25, 2019~~
~~Wednesday, July 10, 2019~~
~~Thursday, July 25, 2019~~
~~Friday, August 9, 2019~~
~~Monday, August 26, 2019~~

CALENDAR YEAR 2020
Friday, January 10, 2020
Friday, January 24, 2020
Monday, February 10, 2020
Tuesday, February 25, 2020
Tuesday, March 10, 2020
Wednesday, March 25, 2020
Friday, April 10, 2020
Friday, April 24, 2020
Monday, May 11, 2020
Friday, May 22, 2020
Wednesday, June 10, 2020
Thursday, June 25, 2020
Friday, July 10, 2020
Friday, July 24, 2020
Monday, August 10, 2020
Tuesday, August 25, 2020

CALENDAR YEAR 2019	CALENDAR YEAR 2020
Tuesday, September 10, 2019	Thursday, September 10, 2020
Wednesday, September 25, 2019	Friday, September 25, 2020
Thursday, October 10, 2019	Friday, October 9, 2020
Friday, October 25, 2019	Monday, October 26, 2020
Friday, November 8, 2019	Tuesday, November 10, 2020
Monday, November 25, 2019	Wednesday, November 25, 2020
Tuesday, December 10, 2019	Thursday, December 10, 2020
Tuesday, December 24, 2019	Thursday, December 24, 2020)

CALENDAR YEAR 2020	CALENDAR YEAR 2021
Friday, January 10, 2020	Monday, January 11, 2021
Friday, January 24, 2020	Monday, January 25, 2021
Monday, February 10, 2020	Wednesday, February 10, 2021
Tuesday, February 25, 2020	Thursday, February 25, 2021
Tuesday, March 10, 2020	Wednesday, March 10, 2021
Wednesday, March 25, 2020	Thursday, March 25, 2021
Friday, April 10, 2020	Friday, April 9, 2021
Friday, April 24, 2020	Monday, April 26, 2021
Monday, May 11, 2020	Monday, May 10, 2021
Friday, May 22, 2020	Tuesday, May 25, 2021
Wednesday, June 10, 2020	Thursday, June 10, 2021
Thursday, June 25, 2020	Friday, June 25, 2021
Friday, July 10, 2020	Friday, July 9, 2021
Friday, July 24, 2020	Monday, July 26, 2021
Monday, August 10, 2020	Tuesday, August 10, 2021
Tuesday, August 25, 2020	Wednesday, August 25, 2021
Thursday, September 10, 2020	Friday, September 10, 2021
Friday, September 25, 2020	Friday, September 24, 2021
Friday, October 9, 2020	Friday, October 8, 2021
Monday, October 26, 2020	Monday, October 25, 2021
Tuesday, November 10, 2020	Wednesday, November 10, 2021
Wednesday, November 25, 2020	Wednesday, November 24, 2021
Thursday, December 10, 2020	Friday, December 10, 2021
Thursday, December 24, 2020	Thursday, December 23, 2021

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

