

WSR 21-22-110

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed November 3, 2021, 7:57 a.m.]

Title of Rule and Other Identifying Information: Amending the definition of domestic violence in WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1)(b)(iv) and (2)(b)(iv).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The expedited rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

Reasons Supporting Proposal: E2SHB 1320 (chapter 215, Laws of 2021) updated the definition of domestic violence. This definition goes into effect on July 1, 2022. Also effective July 1, 2022, under RCW 50.20.050, it is good cause to quit if the separation was necessary to protect the claimant or the claimant's immediate family member from domestic violence, as defined in section 2 of E2SHB 1320, or stalking, as defined in RCW 9A.46.110. Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). Effective July 1, 2022, under RCW 50.20.050, it is good cause to quit if the separation was necessary to protect the claimant or the claimant's immediate family member from domestic violence, as defined in section 2 of E2SHB 1320, or stalking, as defined in RCW 9A.46.110.

Statute Being Implemented: E2SHB 1320 (chapter 215, Laws of 2021), sections 2 and 153; RCW 50.20.050.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Josh Dye, Olympia, 360-890-3472; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) will be codified at RCW 7.105.010.

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 Josh Dye, ESD, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, TTD relay 711, AND RECEIVED BY January 4, 2022.

November 3, 2021

Dan Zeitlin

Employment System Policy Director

OTS-3315.2

AMENDATORY SECTION (Amending WSR 10-01-156, filed 12/22/09, effective 1/22/10)

WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1) (b) (iv) and (2) (b) (iv). To constitute good cause for leaving work, your job separation must have been necessary to protect yourself or a member of your immediate family from domestic violence or stalking.

(1) **Immediate family** is defined (~~((in WAC 192-150-055 and means))~~) as your spouse, domestic partner, and (~~((the))~~) the children (including your unborn children), siblings, stepchildren, foster children, or parents of either spouse or domestic partner, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

(2) (~~((a))~~) **Domestic violence** is defined in RCW (~~((26.50.010. It includes the following acts committed between family or household members:~~

~~(i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault;~~

~~(ii) Sexual assault; or~~

~~(iii) Stalking.~~

~~(b) The perpetrator of domestic violence must be a family or household member, which means:~~

~~(i) Spouses, domestic partners, former spouses, and former domestic partners,~~

~~(ii) Persons who have a child in common regardless of whether they have been married or have lived together at any time,~~

~~(iii) Adult persons related by blood or marriage,~~

~~(iv) Adult persons who are presently residing together or who have resided together in the past,~~

~~(v) Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,~~

~~(vi) Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and~~

~~(vii) Persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, grandparents, and grandchildren.~~

~~(c) "Dating relationship" means a social relationship of a romantic nature)) 7.105.010.~~

(3) **Stalking** is defined by RCW 9A.46.110. It means:

(a) Intentionally and repeatedly harassing or following another person; and

(b) Placing the person being harassed or followed in fear of injury to self or property, or to another person or the property of another person; and

(c) Intending to frighten, intimidate, or harass the other person; or

(d) Knowing or having reason to know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(i) "Harass" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

(ii) "Repeatedly" means on two or more separate occasions.

(iii) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(iv) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 34.05.120. WSR 10-01-156, § 192-150-112, filed 12/22/09, effective 1/22/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, and 50.20.010. WSR 05-13-156, § 192-150-112, filed 6/21/05, effective 7/22/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.