

WSR 22-04-053

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 27, 2022, 11:54 p.m.]

Semi-Annual Rule-Making Agenda (January - July 2022)

The employment security department (ESD) prepares a semi-annual rule-making agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is published in the Washington State Register.

ESD encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments on rules. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WAESD/subscriber/new>.

Additional rule-making information is available on the agency website at <https://esd.wa.gov/newsroom/rulemaking>.

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Unemployment insurance benefits	192-310-010, 192-310-030, and 192-310-050	Requiring employers to include the standard occupational classification (SOC) code or job title of each worker in their quarterly tax reports (SHB 2308 - 2020).	Filed May 12, 2021, WSR 21-11-031	To be determined	Will be completed prior to October 1, 2022.
Unemployment insurance benefits	192-240-025	Updates unemployment insurance qualifications for health care workers (ESSB 5190 - 2021).	Filed May 13, 2021, WSR 21-11-052	Expected February 2022	To be determined
Unemployment insurance benefits	To be determined	Updates work search requirements with new flexibility provided to the department in SHB 1493 (2021).	Filed May 28, 2021, WSR 21-12-067	To be determined	To be determined
Unemployment insurance benefits	192-110-095, 192-320-078, 192-320-082, 192-140-098, 192-150-055, 192-180-005, 192-180-025, 192-180-040, 192-270-065, 192-250-020, 192-250-045, 192-110-015, 192-310-030, 192-140-090, 192-04-210, 192-110-050, 192-320-072, 192-240-070, and 192-110-006	Reviewing phase 1, phase 3, and phase 4 emergency rules adopted as part of the state's COVID-19 pandemic response for permanent adoption.	Filed June 10, 2020, WSR 20-13-041; March 10, 2021, WSR 21-07-035; December, WSR 22-01-192	Filed December 20, 2021, WSR 22-01-191, 22-01-204, and 22-01-192	Expected February 2022
Unemployment insurance benefits	192-150-112	Aligns WAC 192-150-112 with new definitions of domestic violence contained in E2SHB 1320 (2021).		CR-105 filed November 3, 2021, WSR 21-22-110	Expected February 2022
Unemployment insurance benefits	192-170-055, 192-270-035, and 192-100-901	Reviewing phase 1, part 2 emergency rules adopted as part of the state's COVID-19 pandemic response for permanent [permanent] adoption.	Extension of CR-101 filed June 10, 2020, WSR 20-13-041	Expected February 2022	To be determined

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Unemployment insurance benefits	192-170-015	Defining verification of underlying health conditions.	Filed August 11, 2021, WSR 21-17-059	Filed November 19, 2021, WSR 21-24-018	Expected February 2022
Unemployment insurance benefits	192-190-020	Repealing lump sum retirement deductions.		CR-105 filed December 13, 2021, WSR 22-01-125	Expected February 2022
Unemployment insurance benefits	192-110-150	Updating a cross-reference regarding benefit certifications.		CR-101 filed November 17, 2021, WSR 21-23-100	Expected February 2022
Paid family and medical leave	192-620-035 and 192-610-040	Updates regarding proration and backdating to provide clarification and operational flexibility.	Filed May 17, 2021 WSR 21-11-077	Filed July 7, 2021, WSR 21-14-093	Filed August 30, 2021 WSR 21-18-082
Paid family and medical leave	192-500-200, 192-510-095, 192-530-100, 192-560-011, 192-610-035, and 192-610-100	Implementing 2021 legislation, HB [E2SHB] 1073 and SB [ESSB] 5097 regarding pandemic leave assistance and the expanded definition of family member.	Filed April 28, 2021 WSR 21-10-047	Filed June 22, 2021, WSR 21-13-161	Filed July 29, 2021 WSR 21-16-062
Paid family and medical leave	192-500-185, 192-560-010, 192-620-035, 192-620-040, 192-800-125, and 192-800-150	Updates regarding waiting period requirements, small business assistance grants, filing petitions for review, and other clarifying guidance.	Filed November 2, 2021, WSR 21-22-106	Expected to be filed February 2022	Expected to be filed April 2022
Long-term services and supports (WA Cares)	192-910-025	Implementing a portion of SHB 1323 (2021) to provide a pathway for federally recognized tribes to elect program coverage.	Filed June 22, 2021, WSR 21-13-141	Filed December 1, 2021, WSR 21-24-098	Filed January 26, 2022 WSR 22-04-040
Long-term services and supports (WA Cares)	192-900-005, 192-900-010, 192-900-015, 192-900-020, 192-900-025, 192-900-030, 192-900-035, 192-910-005, 192-910-010, 192-910-015, 192-910-020, 192-915-005, 192-915-010, 192-915-015, 192-920-005, 192-925-005, 192-925-010, and 192-925-015	The second phase of rule making to implement Title 50B RCW addressed definitions, premium collection, reporting and payments, cost-benefit analysis exemption, election of coverage by self-employed individuals, appeals, and other subjects as needed.	Filed October 16, 2020, WSR 20-21-072	Filed June 2, 2021, WSR 21-12-104	Filed August 18, 2021 WSR 21-17-140
Long-term services and supports (WA Cares)	WAC chapters to be determined	The third phase of rule making to implement Title 50B RCW will address audit functions and other rules as necessary.	Filed November 2, 2021, WSR 21-22-107	To be determined	To be determined

ESD is responsible for initiating rule making to implement new state laws, meet federal requirements, and to meet unforeseen circumstances. Because of this variability, this agenda is prepared for informational purposes only and any dates noted herein are planning estimates that are subject to change. Additional rule making can occur in addition to what is listed on the agenda.

This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual rules or rule-making notices filed with the office of the code reviser and published in the Washington State Register.

The rule-making process can appear complex. ESD has outlined the process on its website to help constituents understand and become involved <https://www.esd.wa.gov/newsroom/rulemaking-process>. If you have

additional questions, please contact the agency rules coordinator,
Scott E. Michael, 360-890-3448, email rules@esd.wa.gov.