

WSR 22-13-010

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 2, 2022, 9:13 a.m., effective July 3, 2022]

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

Purpose: The rules are adopted to clarify how the employment security department will verify that a claimant or an individual living with them has an underlying health condition for purposes of determining (1) whether an individual has good cause to voluntarily quit employment because they or another individual with them have an underlying health condition that is identified as a risk factor for a disease that is the subject of a public health emergency, or (2) whether an individual meets availability requirements when they are available for work which can be performed from the individual's home and the individual or another individual residing with them is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the high-risk individual has an underlying health condition.

Citation of Rules Affected by this Order: New WAC 192-170-015 and 192-150-155.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010 (4)(b)(ii), 50.20.050 (2)(b)(xii)(C)(II).

Adopted under notice filed as WSR 22-05-060 on February 10, 2022.

A final cost-benefit analysis is available by contacting Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, email Rules@esd.wa.gov, website https://esd.wa.gov/newsroom/ui-rule-making.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 2, 2022.

Dan Zeitlin
Employment System Policy Director

OTS-2974.1

NEW SECTION

WAC 192-150-155 Verification requirement for an underlying health condition under RCW 50.20.050 (2)(b)(xii)(C)(II). (1)(a) An individual who asserts they have good cause to voluntarily quit employment because they or another individual living with them have an underlying health condition that is identified as a risk factor for a

disease that is the subject of a public health emergency will need to provide certification from a health care provider.

(b) The certification must include:

(i) The name, address, telephone number, and contact information of the health care provider and type of medicine the health provider is licensed to practice; and

(ii) Information from a health care provider sufficient to establish that the individual or another individual living with them have an underlying health condition that is identified as a risk factor for a disease that is the subject of a public health emergency.

(c) The department will deny benefits under WAC 192-140-105 if the individual fails to provide the certification.

(2) For purposes of this section, the term "health care provider" has the same meaning as in WAC 192-500-090.

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OTS-2980.2

NEW SECTION

WAC 192-170-015 Verification requirement for an underlying health condition under RCW 50.20.010 (4) (b) (ii). (1) (a) An individual who limits their availability for work because they or another individual living with them have an underlying health condition that is identified as a risk factor for a disease that is the subject of a public health emergency may need to provide certification from a health care provider.

(b) The certification must include:

(i) The name, address, telephone number, and contact information of the health care provider and type of medicine the health provider is licensed to practice; and

(ii) Information from a health care provider sufficient to establish that the individual or another individual living with them have an underlying health condition that is identified as a risk factor for a disease that is the subject of a public health emergency.

(c) The department may require the individual to provide additional documentation or certification to substantiate the underlying health condition if:

(i) Circumstances of the underlying health condition change;

(ii) Information is provided to the department that the employee may no longer have an underlying health condition; or

(iii) Other circumstances cause the department to question the existence or continued existence of the individual's underlying health condition.

(d) The department will deny benefits under WAC 192-140-070 if the individual fails to provide the certification when requested.

(2) For purposes of this section, the term "health care provider" has the same meaning as in WAC 192-500-090.

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