

WSR 22-13-172

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 22, 2022, 8:05 a.m.]

Supplemental Notice to WSR 22-05-100.

Preproposal statement of inquiry was filed as WSR 20-13-041.

Title of Rule and Other Identifying Information: WAC 192-250-015

When is an employer eligible to participate in the shared work program?

Hearing Location(s): On July 28, 2022, at 9 a.m., Zoom, Meeting ID 818 1368 1974, Passcode 972744, Call-in 253-215-8782. Join Zoom meeting <https://us02web.zoom.us/j/81813681974?pwd=cmtUR1pOWXJiaktFQTRHUm1lNWNyUT09>.

Date of Intended Adoption: August 2, 2022.

Submit Written Comments to: Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 844-652-7096, by July 28, 2022.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email teckstein@esd.wa.gov, by July 21, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Shared work provides flexibility for businesses to restart and bring their employees back from unemployment with reduced hours. Businesses gradually build back their team with qualified workers receiving partial unemployment benefits to replace a portion of their lost wages.

The employment security department intends to expand access to this program by removing the requirement that an employer be legally registered in the state for at least six months before qualifying for the shared work program.

Reasons Supporting Proposal: In February of 2020, Governor Inslee proclaimed a State of Emergency in Washington in response to COVID-19. The department filed a series of emergency rules to support the state's emergency response, one of which expanded access to the shared work program.

There are two spots in chapter 192-250 WAC where employers who have been registered in Washington for six months or less are excluded from participating in the shared work program: The entirety of WAC 192-250-015 and 192-250-045 (2)(c). Rules adopted under WSR 21-13-007 deleted WAC 192-250-045 (2)(c) but failed to repeal WAC 192-250-015. By adding a repeal of WAC 192-250-015, the department is following through with the policy that employers who have been registered employers for six months or less can still participate in shared work, thereby leaving that program open to more employers and their employees.

Statutory Authority for Adoption: Under RCW 50.60.030, the commissioner shall approve a shared work compensation plan if certain criteria are met; the commissioner may also take into account any other factors which may be pertinent.

Statute Being Implemented: RCW 50.60.030 (criteria for approving a shared work compensation plan).

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Joshua Dye, Olympia, WA, 360-890-3472; Implementation and Enforcement: Sam Virgil, Olympia, WA, 360-890-3637.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Joshua Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, <https://esd.wa.gov/newsroom/ui-rule-making/>.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules and amendments do not create additional tax burdens on employers of any size. The rule making provides flexibility for both employers and claimants.

June 22, 2022

Dan Zeitlin

Employment System Policy Director

OTS-3860.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-250-015 When is an employer eligible to participate in the shared work program?