

WSR 25-03-024

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 7, 2025, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-047.

Title of Rule and Other Identifying Information: WAC 192-150-110
Mandatory military transfers—RCW 50.20.050 (2)(b)(iii), amendment.

Hearing Location(s): On March 6, 2025, at 9:00 a.m., via Zoom
[https://esd-wa-gov.zoom.us/j/81251639176?](https://esd-wa-gov.zoom.us/j/81251639176?pwd=ayTvHYrFgZFrZogmtf2da3mJq1PX8b.1)
[pwd=ayTvHYrFgZFrZogmtf2da3mJq1PX8b.1](https://esd-wa-gov.zoom.us/j/81251639176?pwd=ayTvHYrFgZFrZogmtf2da3mJq1PX8b.1), Meeting ID 812 5163 9176, Pass-
code 859955; or One-tap mobile +13092053325,,81251639176#,,,,*859955#
US, +13126266799,,81251639176#,,,,*859955# US (Chicago).

Date of Intended Adoption: March 27, 2025.

Submit Written Comments to: Lawrence Larson, P.O. Box 9046, Olym-
pia, WA 98507-9046, email esdgpuirules@esd.wa.gov, fax 844-652-7096,
by March 6, 2025.

Assistance for Persons with Disabilities: Contact Teresa Eck-
stein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email
Teresa.eckstein@esd.wa.gov, by February 27, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: WAC 192-150-110 provides guidance on
the requirements for establishing good cause to quit work if an indi-
vidual quits work to relocate for their spouse or domestic partner's
employment that is due to a mandatory military transfer. Currently,
WAC 192-150-110(3) defines military as including the following: United
States (U.S.) Navy, U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S.
Coast Guard, activated reserve members of any of these service branch-
es, activated members of the National Guard, commissioned officers of
the National Oceanographic and Atmospheric Administration, and commis-
sioned officers of the regular or reserve corps of the U.S. Public
Health Service. This list of military branches in the rule does not
include the U.S. Space Force. The employment security department
(department) is amending WAC 192-150-110 to expand the definition of
military so that it explicitly includes all branches of the U.S. Armed
Forces.

Reasons Supporting Proposal: Space Force was founded in 2019 and
now has over 14,000 military and civilian personnel. Although it is
organized under the Department of the Air Force, it is a separate and
distinct branch of the armed services. The proposed amendment to WAC
192-150-110 will clarify, by making explicit, that the definition of
military includes all branches of the U.S. Armed Forces.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.042, and
50.12.040 provide general rule-making authority to the department. RCW
50.20.050 defines disqualification for leaving work voluntarily with-
out good cause. Specifically, under RCW 50.20.050 (2)(b)(iii), a
claimant has good cause to quit when they (A) left work to relocate
for the employment of a spouse or domestic partner that is outside the
existing labor market area; and (B) remained employed as long as was
reasonable prior to the move.

Statute Being Implemented: RCW 50.20.050.

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: Lawrence Larson, Olympia, Washington, 360-890-3460; Implementation and Enforcement: JR Richards, Olympia, Washington, 360-463-1079.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule making does not change the effect of the rule, it only clarifies that all branches of the U.S. Armed Forces will be included in the definition.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: This rule making does not change the effect of the rule, it only clarifies that all members of the U.S. Armed Forces will be included in the definition.

Scope of exemption for rule proposal:

Is fully exempt.

January 7, 2025

Joy Adams

Employment Security Policy Director

OTS-5981.1

AMENDATORY SECTION (Amending WSR 17-17-129, filed 8/22/17, effective 9/22/17)

WAC 192-150-110 Mandatory military transfers—RCW 50.20.050

(2) (b) (iii). (1) Any military transfer is considered mandatory if your spouse or domestic partner receives orders from the military to relocate to a new duty station, regardless of whether the transfer is temporary or permanent.

(2) You may show good cause to quit work if you relocate for your spouse or domestic partner's employment that was due to a mandatory military transfer if:

(a) Your spouse or domestic partner's new duty station is outside your existing labor market; and

(b) You continued to work for your previous employer for as long as was reasonable prior to the move.

(3) For purposes of this section, the term "military" includes the following: (~~U.S. Navy, U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard~~) Member of the United States Armed Forces as defined by 10 U.S.C. 101 (a) (4), activated reserve members of any of these service branches, activated members of the National Guard, commissioned officers of the National Oceanographic and Atmospheric Administration, and commissioned officers of the regular or reserve corps of the U.S. Public Health Service.

(4) Good cause for quitting work is not established under this section if:

(a) You quit work to return to your home of record or to another location rather than accompanying your spouse or domestic partner to a new duty location; or

(b) Your spouse or domestic partner leaves military service and you elect to relocate to your home of record or elsewhere.