

WSR 21-04-078

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 29, 2021, 3:19 p.m.]

**Semi-Annual Rule-Making Agenda
January - July 2021**

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	192-170-010, 192-170-020, 192-170-050, 192-170-070, 192-170-090, 192-200-005, 192-140-200	Modifying unemployment eligibility requirements for individuals caring for children and vulnerable adults.	Filed May 20, 2019, in WSR 19-11-095	Filed January 14, 2020, in WSR 20-03-102; Filed August 3, 2020, in WSR 20-16-137	Expected to file February 2021, with an anticipated effective date of January 2022
Unemployment insurance benefits	To be determined	Reviewing emergency rules adopted as part of the state's COVID-19 pandemic response for permanent adoption.	Filed June 10, 2020, in WSR 20-13-041; September 24, 2020, in WSR 20-20-005	To be determined	To be determined
Unemployment insurance benefits	192-180	Adding additional flexibility for how individuals claiming unemployment insurance benefits can meet job search requirements.	Filed September 4, 2020	To be determined	To be determined
Unemployment insurance benefits	192-200-005	Updating the definition of benefit week for students to match references to benefit week in other WAC.	To be determined	To be determined	To be determined
Unemployment insurance benefits	192-320-070, 192-320-075, 192-320-080, 192-320-081, 192-320-082, 192-320-083, 192-320-084, and 192-170-010	Updating cross references following passage of SHB 2613 (2020) and adoption of WSR 20-11-022 and 20-10-056.	Not applicable	CR-105 adopted July 31, 2020, in WSR 20-16-104	Not applicable
Unemployment insurance benefits	192-02; 192-15	Modifying employment security department public disclosure and privacy rules.	Filed August 1, 2019, in WSR 19-16-085; August 26, 2019, in WSR 19-18-010	Filed July 21, 2020, in WSR 20-15-137; July 21, 2020, in WSR 20-15-139	Adopted October 16, 2020, in WSR 20-21-070; October 16, 2020, in WSR 20-21-071
Unemployment insurance benefits		Defining application procedures and eligibility criteria for the COVID-19 unemployment account as directed by HB 2965 (2020).	Filed April 1, 2020, in WSR 20-08-129	Filed July 13, 2020, in WSR 20-15-067	Adopted September 4, 2020, in WSR 20-19-108
Unemployment insurance benefits	192-240-070	Emergency rule stating overpayments for pandemic emergency unemployment compensation (PEUC) cannot be automatically waived.	Not applicable	Not applicable	Filed September 18, 2020, in WSR 20-19-108

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Unemployment insurance benefits	192-110-050	Emergency rule permitting greater flexibility for backdating requests to reopen unemployment claims.	Not applicable	Not applicable	Filed November 20, 2020, in WSR 20-24-026
Unemployment insurance benefits	192-110-006	Emergency rule providing clarity for which unemployment insurance claimants are subject to a one-week waiting period.	Not applicable	Not applicable	Filed January 7, 2021, in WSR 21-03-007
Unemployment insurance and paid family and medical leave	192-04-210, 192-800-125	Emergency rule removing the option to serve petitions for judicial review in person and adding the option to serve petitions for judicial review via email.	Not applicable	Not applicable	Filed November 20, 2020, in WSR 20-24-024
Paid family and leave	192-500-010, 192-500-035, 192-500-185, 192-570-030, 192-570-040, 192-570-050	Implementing SHB 2614 (chapter 125, Laws of 2020), amending definitions regarding "employer," "interested parties," and "waiting period," adding rules regarding complaints, unlawful acts, and damages, and other general updates.	Filed April 16, 2020, in WSR 20-09-111	Filed August 5, 2020, in WSR 20-16-148	Filed October 2, 2020, in WSR 20-20-074
Paid family and leave	192-500-040, 192-500-070, 192-500-080, 192-500-170, 192-500-195, 192-510-090, 192-610-025, 192-620-035, 192-800-035, 192-800-045, 192-800-110	Adding a definition of "placement" of a child for eligibility for family bonding leave, clarifying when a claim year will be established, documentation requirements for the birth or placement of a child, how benefits will be prorated, and other clarifying changes.	Filed April 16, 2020, in WSR 20-09-112	Filed August 5, 2020, in WSR 20-16-149	Filed October 2, 2020, in WSR 20-20-073
Paid family and medical leave	192-510-091 (new)	Emergency rule clarifying what service is considered localized as it relates specifically to the temporary physical reassignment of an employee due to the COVID-19 pandemic.	Not applicable	Not applicable	Expected to file January 2021
Paid family and medical leave	192-500-190, 192-510-010, 192-510-031, 192-510-040, 192-510-065, 192-540-080, 192-530-060, 192-530-070, 192-560-020, 192-610-051, 192-700-005, 192-700-010, 192-800-010, 192-800-020, 192-800-125, 192-810-030	Expedited rule-making to remove references to subsections of statute to ensure the accuracy of referenced sections of statute with Title 50A RCW.	Not applicable	CR-105 filed October 23, 2020, in WSR 20-22-018	Not applicable
Paid family and medical leave	192-510-050, 192-560-010, 192-610-090, 192-620-020, 192-620-035, 192-700-006, 192-700-007, 192-800-045, 192-800-155	Adding the definition of "illegal act" for purposes of benefit disqualification, clarifying employment restoration requirements and hours worked to align with federal requirements, withdrawals and redeterminations for appeals, closed hearings, and other technical and clarifying changes.	Filed August 5, 2020, in WSR 20-16-151	Filed January 6, 2021, in WSR 21-02-088	Expected to be filed February 26, 2021

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Long-term services and supports	192-905-005, 192-905-010, 192-905-015, 192-905-020	The first phase of rule making to implement Title 50B RCW will address exemptions, applications for exemptions, notification to employers, and other subjects as needed.	Filed June 30, 2020, in WSR 20-14-086	Expected to file February 2021	Expected to file April 2021
Long-term services and supports	192-900; 192-900-910, 192-900-915, 192-900-920, 192-900-925	The second phase of rule making to implement Title 50B RCW will address 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, in WSR 20-21-072	Expected to file May 2021	Expected to file July 2021
Long-term services and supports	To be determined	The third phase of rule-making to implement Title 50B RCW will address audit functions, state actuary/ESD functions, and determinations on "qualified individual" status.	Expected to file April 2021	Expected to file November 2021	Expected to file January 2022

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 information 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 at 360-890-3448, or email at rules@esd.wa.gov.