

WSR 21-11-079
EXPEDITED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed May 18, 2021, 8:41 a.m.]

Title of Rule and Other Identifying Information: WAC 192-240-025 Failure to apply for or accept suitable work—RCW 50.22.020 (4) (b)—Extended benefits.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On April 16, 2021, the governor signed SSB 5425 (2021) which, among other things, updated the requirements for extended unemployment benefits for claimants when offered suitable work. Under the proposed expedited rule, a claimant will be denied extended benefits for failing to accept suitable work if the job was either offered in writing **or** listed with the department, as opposed [opposed] to denying benefits if the job was offered in writing **and** listed with the department.

Reasons Supporting Proposal: Under former RCW 50.22.020 (4) (b), the department did not deny extended unemployment benefits to a claimant for failing to accept suitable work if the position was not offered to the individual in writing **and** was not listed with the department. The legislature amended RCW 50.22.020 in SSB 5425 (2021) to require that extended benefits be denied if the job was either offered in writing **or** listed with the department. The rule needs to be changed in order to make the rule consistent with the underlying statute. Failing to change the rule will mean the rule will be in direct conflict with the underlying statute.

Statutory Authority for Adoption: RCW 50.22.020 (4) (b) addresses denial of extended benefits for failing to accept suitable work; RCW 50.12.010 and 50.12.040 provides general rule-making authority to the employment security department (ESD).

Statute Being Implemented: RCW 50.22.020.

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

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Michael, Olympia, Washington, 360-890-3448; Implementation and Enforcement: Julie Lord, Olympia, Washington, 360-890-9579.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed expedited rule aligns WAC 192-240-025 with changes made in section 3, chapter 107, Laws of 2021 (Substitute Senate Bill 5425).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Josh Dye, ESD, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, TTD relay 711, AND RECEIVED BY July 20, 2021.

May 18, 2021

Dan Zeitlin
Employment Security
Policy Director

OTS-2468.1

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-240-025 Failure to apply for or accept suitable work—

RCW 50.22.020 (4) (b)—Extended benefits. (1) You will be denied extended benefits if you fail:

(a) To accept any offer of suitable work as defined in WAC 192-240-020 if the job was:

(i) Offered to you in writing; or

(ii) Listed with the department.

(b) To accept a referral, or to apply for suitable work, when referred by your local employment center, if the job was:

(i) Offered to you in writing ~~((τ))~~ i or

(ii) Listed with the department.

(2) The denial is for the week in which the refusal occurs and until you work in four weeks and earn four times your weekly benefit amount.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-240-025, filed 11/1/07, effective 12/2/07; WSR 03-06-038, § 192-240-025, filed 2/26/03, effective 3/29/03.]