

WSR 21-14-035

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 29, 2021, 12:42 p.m., effective July 30, 2021]

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

Purpose: In order to be eligible for unemployment benefits, an individual must, among other things, be "actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents." RCW 50.20.010 (1)(c). In addition, RCW 50.20.240 (1)(b) requires individuals to make contacts with at least three employers per week or conduct at least three documented in-person job search activities per week. The rule making provides more options for claimants in how they can meet this requirement. The rule making also clarifies that a documented in-person job search activity can take place virtually or remotely.

Citation of Rules Affected by this Order: Amending WAC 192-180-010.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.240.

Adopted under notice filed as WSR 21-11-101 on May 19, 2021.

Changes Other than Editing from Proposed to Adopted Version: The adopted version removes "participating in a public speaking class" from the list of acceptable job search activities. The final version also corrects internal subsection numbering to reflect the removal of proposed WAC 192-180-010 (4)(i) from the adopted version.

A final cost-benefit analysis is available by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2021.

Dan Zeitlin
Employment System
Policy Director

OTS-2412.2

AMENDATORY SECTION (Amending WSR 20-10-056, filed 4/30/20, effective 7/5/20)

WAC 192-180-010 Job search requirements—Directives—RCW

50.20.010 (1) (c) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

- (a) Attached to an employer as defined in WAC 192-180-005(1);
- (b) Participating in a training program approved by the commissioner; or
- (c) An active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) **What are my weekly job search requirements?**

- (a) At a minimum, you must:
 - (i) Make job search contacts with at least three employers each week; ~~((or))~~
 - (ii) Participate in three approved in-person job search activities through the WorkSource office or the equivalent public employment agency in the state in which you reside ~~((or))~~; or
 - (iii) Do any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** ~~A job search contact is ((a contact with an employer to inquire about or apply for a job. You must use job search methods that are customary for your occupation and labor market area including, but not limited to, in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100 and 50.20.110) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume online (for example, Simplyhired.com or Craigslist) does not constitute a job search contact for purposes of this section; in addition to posting your resume, an application or contact with an employer for a job must be submitted to count as one of the required weekly job search contacts))~~ one of the following activities:

- (a) Contacting an employer to inquire about a job, unless you know the employer is not hiring;
- (b) Submitting an application for a job with an employer, unless you know the employer is not hiring;
- (c) Taking an exam required as part of the application process for a new job;
- (d) Interviewing for a job;

- (e) Taking a civil service exam;
- (f) Adding a resume to an online job board;
- (g) Creating a user profile on a professional networking site;
- (h) Participating in work-related networking events, such as a job fair;
- (i) Registering for work with a temporary work agency, placement firm, or educational institution with job placement offices; and
- (j) Other approved activities listed on the department's website at the time the weekly claim was filed.

(5) **What is an "in-person job search activity"?** ((This))

(a) An in-person job search activity is an activity provided or monitored through the WorkSource office or the equivalent public employment agency in the state in which you reside that will assist you in your reemployment efforts. It includes (~~(, but is not limited to,)~~):

- (i) Job search workshops(~~(,)~~);
- (ii) Training classes(~~(,)~~);
- (iii) Creating a reemployment plan;
- (iv) Creating an application cover letter or resume;
- (v) Obtaining and using labor market and career information;
- (vi) Participating in reemployment services and eligibility assessment (RESEA) activities;
- (vii) Participating in skills assessment for occupational matching;
- (viii) Establishing an online account with your local WorkSource office; or

(ix) Other facilitated services provided or monitored by WorkSource staff or other affiliated agencies and approved by the local WorkSource office.

(b) For claimants residing in Washington state, an in-person job search activity must be documented in the department's computer system to qualify. For interstate claimants, the activity must be documented by the equivalent public employment agency in the state in which you reside.

(c) You do not need to physically visit a WorkSource office or the equivalent public employment agency in the state in which you reside in order for the activity to count as an in-person job search activity. Job search activities that are provided or monitored remotely or virtually also count as a valid in-person job search activity.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section, unless the directive is required under WAC 192-180-012.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of looking for work;
- (c) Expand the geographic area in which you look for work;
- (d) Look for work in a secondary occupation; or
- (e) Accurately record your job search activities as required by WAC 192-180-015.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given; the directive is rescinded in

writing; your benefit year ends; or you receive final payment on any extension of benefits related to that benefit year, whichever is later.

[Statutory Authority: RCW 50.12.010, 50.20.010, 50.20.230, 50.20.240, and 50.12.040. WSR 20-10-056, § 192-180-010, filed 4/30/20, effective 7/5/20. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-010, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-010, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-180-010, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-010, filed 6/3/99, effective 7/4/99.]