

WSR 21-16-064

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 29, 2021, 5:49 p.m.]

**Semi-Annual Rule-Making Agenda
July 2021 - January 2022**

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	192-320-070, 192-320-075, 192-320-080, 192-320-081, 192-320-082, 192-320-083, 192-320-084, 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 filed July 31, 2020	Filed May 28, 2021, in WSR 21-12-068
Unemployment insurance benefits	192-180	Adding additional flexibility for how individuals claiming unemployment insurance benefits can meet job search requirements.	Filed September 4, 2020, in WSR 20-19-020	Filed May 19, 2021, in WSR 21-11-101	Filed June 29, 2021, in WSR 21-14-035
Unemployment insurance benefits	192-240-025	Updates the requirements for extended unemployment benefits for claimants when offered suitable work.	Not applicable	CR-105 filed May 18, 2021, in WSR 21-11-079	Filed July 23, 2021, in WSR 21-16-024
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 March 18, 2021, in WSR 21-07-084	Filed May 7, 2021, in WSR 21-11-004	Filed July 26, 2021, in WSR 21-16-034
Unemployment insurance benefits	192-310-010, 192-310-030, 192-310-050	Requiring employers to include the standard occupational classification code or job title of each worker in their quarterly tax reports (SHB 2308 - 2021).	Filed May 12, 2021, in WSR 21-11-031	To be determined	To be determined
Unemployment insurance benefits	192-240-025	Updates unemployment insurance qualifications for health care workers (ESSB 5190 - 2021).	Filed May 13, 2021, in WSR 21-11-052	To be determined	To be determined
Unemployment insurance benefits	To be determined	Updates work search requirements with new flexibility provided to the department in SHB 1493 (2021).	Filed May 28, 2021, in WSR 21-12-067	To be determined	To be determined
Unemployment insurance benefits	To be determined	Reviewing phase 1, phase 2, and phase 3 emergency rules adopted as part of the state's COVID-19 pandemic response for permanent [permanent] adoption.	Filed June 10, 2020, in WSR 20-13-041; September 24, 2020, in WSR 20-20-005; March 10, 2021, in WSR 21-07-035	To be determined	To be determined

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Unemployment insurance benefits	192-150-112	Aligns WAC 192-150-112 with new definitions of domestic violence contained in E2SHB 1320 (2021).	Expected August 2021	To be determined	To be determined
Unemployment insurance benefits	To be determined	Reviewing phase 4 emergency rules adopted as part of the state's COVID-19 pandemic response.	Expected August 2021	To be determined	To be determined
Paid family and medical leave	192-500-190, 192-510-010, 192-510-031, 192-510-040, 192-510-065, 192-510-080, 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 statute subsection references to ensure the accuracy of referenced sections of Title 50A RCW.	Not applicable	CR-105 filed October 23, 2020	Filed January 29, 2021
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; Supplemental CR-102 filed March 3, 2021, in WSR 21-06-111	Filed May 7, 2021, in WSR 21-11-009
Paid family and medical leave	192-620-035, 192-610-040	Updates regarding proration and backdating to provide clarification and operational flexibility.	Filed May 17, 2021, in WSR 21-11-077	Filed July 7, 2021, in WSR 21-14-093	Expected August 11, 2021
Paid family and medical leave	192-500-200, 192-510-095, 192-530-100, 192-560-011, 192-610-035, 192-610-100	Implementing 2021 legislation, HB [E2SHB] 1073 and SB [ESSB] 5097 regarding pandemic leave assistance and the expanded definition of family member.	Filed April 28, 2021, in WSR 21-10-047	Filed June 22, 2021, in WSR 21-13-161	Expected July 30, 2021
Long-term services and supports	192-905-005, 192-905-010, 192-905-015, 192-905-020	The first phase of rule making implemented Title 50B RCW regarding exemptions, and includes rules regarding eligibility, application process, notification to employers, employee responsibilities, and refunds.	Filed June 30, 2020, in WSR 20-14-086	Filed March 3, 2021, in WSR 21-06-110	Filed May 7, 2021, in WSR 21-11-013
Long-term services and supports	192-900-005, 192-900-010, 192-900-015, 192-900-020, 192-900-025, 192-900-030, 192-900-035, 192-910-005, 192-910-010, 192-910-015, 192-910-020, 192-915-005, 192-915-010, 192-915-015, 192-920-005, 192-925-005, 192-925-010, 192-925-015	The second phase of rule making to implement Title 50B RCW addresses definitions, premium collection, reporting and payments, CBA exemption, election of coverage by self-employed individuals, appeals, and other subjects as needed.	Filed October 16, 2020, in WSR 20-21-072	Filed June 2, 2021, in WSR 21-12-104	Expected August 2021

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Long-term services and supports	WAC chapters to be determined	The third phase of rule making to implement Title 50B RCW will address audit functions, state actuary/ESD functions, determinations on "qualified individual" status, and other subjects as needed.	Filed April 9, 2021	Expected November 2021	Expected 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, 360-890-3448, email rules@esd.wa.gov.