

WSR 22-13-008

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 2, 2022, 9:06 a.m., effective July 3, 2022]

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

Purpose: The employment security department (department) is adopting rules to transition emergency rules adopted in response to the COVID-19 emergency to permanent rules. The emergency rules cover the means of serving a petition for judicial review on the department, when the department may backdate a claim's reopening date, and how the department charges non-Washington combined-wage claims.

Citation of Rules Affected by this Order: New WAC 192-320-072; amending WAC 192-04-210 and 192-110-050.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the department. RCW 50.20.010, 50.20.140, 50.29.021 (2)(j), 34.05.220, 34.05.542(4), 50.32.090.

Adopted under notice filed as WSR 22-05-094 on February 16, 2022.

A final cost-benefit analysis is available by contacting Josh Dye, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, website https://esd.wa.gov/newsroom/ui-rule-making/.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 22, 2022.

Dan Zeitlin  
Employment System Policy Director

**OTS-2767.2**

AMENDATORY SECTION (Amending WSR 13-05-033, filed 2/12/13, effective 3/15/13)

**WAC 192-04-210 Petitions for judicial review—Service on agency.** Delivery pursuant to RCW 34.05.542(4) shall be deemed to have been made when a copy of the petition for judicial review has been (~~received by the Commissioner's Office at 212 Maple Park Avenue S.E., Olympia, WA or~~) received by:

(1) Delivery to the Commissioner's Office at 212 Maple Park Avenue S.E., Olympia, WA;

(2) Mail at the Commissioner's Review Office, Post Office Box 9555, Olympia, WA 98507-9555; or

(3) Email at the commissioner's review office at cro@esd.wa.gov.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 13-05-033, § 192-04-210, filed 2/12/13, effective 3/15/13; WSR 89-24-030, § 192-04-210, filed 11/30/89, effective 1/1/90.]

## OTS-2768.1

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

**WAC 192-110-050 How do I reopen my claim?** (1) If you have stopped claiming for more than four consecutive weeks for any reason, you must reopen your claim.

(a) You may reopen your claim:

(i) By using the department's online services; or

(ii) By calling the unemployment claims center.

(b) You must reopen your claim **before** the end of the week.

(2) (a) Your claim will be reopened effective on Sunday of the week in which you contact the department to reopen your claim, unless you ask the department to backdate your reopening date to a prior week.

(b) The department (~~(will not)~~) may backdate your reopening date (~~((unless you show good cause for not reopening your claim earlier, except))~~):

(i) For "good cause," as that term is defined by WAC 192-110-095

(2) (a);

(ii) For "the convenience of the department" as that term is defined by WAC 192-110-095 (2) (b); or

(iii) As provided in WAC 192-140-005.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-110-050, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-12-026, § 192-110-050, filed 5/24/10, effective 6/24/10. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-110-050, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.20.010 and 50.12.040. WSR 99-08-073, § 192-110-050, filed 4/5/99, effective 5/6/99.]

## OTS-2917.1

### NEW SECTION

**WAC 192-320-072 Charging non-Washington combined-wage claims under RCW 50.29.021 (2) (j).** For purposes of RCW 50.29.021 (2) (j), the benefits paid under a combined-wage claim, as that term is defined by 20 C.F.R. Sec. 616.6, filed in a state other than Washington, and

Washington is the transferring state, as that term is defined by 20 C.F.R. Sec. 616.6, will be charged as follows:

(1) All benefits paid under the combined-wage claim in the second quarter of 2020 will not be charged to the claimant's base year employer;

(2) All other benefits paid under the combined-wage claim in all other quarters will be charged to the claimant's base year employer, unless the employer is eligible for relief of benefit charges for reasons other than RCW 50.29.021 (2)(j).

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