

WSR 22-13-014

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 2, 2022, 3:13 p.m.]

Title of Rule and Other Identifying Information: Updating a cross-reference in WAC 192-150-180 Quitting part-time work—RCW 50.20.050(4).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 192-150-180 currently references RCW 50.20.050(3). Chapter 251, Laws of 2021 (ESSB 5190), added new subsection (3) to RCW 50.20.050 and renumbered the previous subsection (3) as subsection (4). This proposal would similarly replace the reference to RCW 50.20.050(3) with a reference to RCW 50.20.050(4).

Reasons Supporting Proposal: Current rules refer to a subsection that has been changed. The reference should be updated to reference the correct relevant subsection.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). RCW 50.20.050 addresses disqualifications for quitting part-time work when an individual was simultaneously employed in a part-time job and a full-time job.

Statute Being Implemented: RCW 50.20.050.

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, 360-890-3448; Implementation and Enforcement: Sam Virgil, Olympia, 360-742-7095.

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 expedited rule replaces a reference to an amended statute with a reference to the correct relevant statute.

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 [TDD] relay 711, AND RECEIVED BY August 23, 2022.

June 2, 2022

Dan Zeitlin

Employment System Policy Director

OTS-3804.1

AMENDATORY SECTION (Amending WSR 17-17-129, filed 8/22/17, effective 9/22/17)

WAC 192-150-180 Quitting part-time work—RCW 50.20.050(~~(3)~~)

- (4).** (1) **Definitions.** For purposes of this section:
- (a) "Part-time work" means fewer than (~~35~~) thirty-five hours of work per week.
 - (b) "Full-time work" means work of (~~35~~) thirty-five or more hours per week.
- (2) If you are simultaneously employed in a part-time job and a full-time job, you will not be denied benefits for quitting the part-time job under the following circumstances:
- (a) You quit the part-time job before losing your full-time job;
 - (b) You did not know in advance that your full-time job would be ending; and
 - (c) You are eligible for benefits based on the separation from your full-time job.
- (3) If you are denied benefits under RCW 50.20.050(~~(3)~~) (4), the period of denial is the same as that under RCW 50.20.050 (2)(a). This means you will be denied for a period of seven weeks and until you earn at least seven times your weekly benefit amount in covered employment.
- (4) **Examples.** The following are examples only and do not mean that the department would rule the same in similar situations.
- (a) *You quit a part-time job two weeks before being laid off from your full-time job.* Benefits are allowed because you meet the criteria of subsection (2) of this section.
 - (b) *You quit a part-time job before the hours at your full-time job were reduced.* Benefits are allowed because you meet the criteria of subsection (2) of this section.
 - (c) *You quit a part-time job two weeks before the end of a temporary full-time job.* You had prior knowledge that the full-time job was ending. Benefits would be denied unless you had good cause for quitting the part-time job under RCW 50.20.050(2).
 - (d) *You quit a part-time job two weeks before being discharged from the full-time job.*
 - (i) If the separation from the full-time job was for misconduct, benefits would be denied for quitting the part-time job because you are not eligible for benefits based on the separation from the full-time job.
 - (ii) If the separation from the full-time job was not misconduct, benefits would be allowed because you meet the criteria of subsection (3).
 - (e) *You quit the part-time job and the full-time job on the same day.* The department will determine if you had good cause to quit both jobs under RCW 50.20.050(2).
 - (f) *You quit a part-time job but are still employed full-time at your other job.* The department will determine if you had good cause to quit under RCW 50.20.050(2).

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-17-129, § 192-150-180, filed 8/22/17, effective 9/22/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 09-24-008, § 192-150-180, filed 11/20/09, effective 12/21/09.]