

## WSR 21-17-029

**PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 9, 2021, 8:36 a.m.]

Subject of Possible Rule Making: The employment security department (ESD) is engaging in rule making regarding whether the emergency rules adopted during the COVID-19 response should be made permanent. The emergency rules cover claimants subject to waiting week waivers, pandemic emergency unemployment compensation and pandemic unemployment assistance waivers, and standby eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February of 2020, Governor Inslee proclaimed a state of emergency in Washington regarding COVID-19. The department filed a series of emergency rules in order to support the state's emergency response. The department is now seeking input from the public regarding which of those emergency rules should be made permanent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

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