

WSR 22-05-077

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 15, 2022, 10:15 a.m., effective July 1, 2022]

Effective Date of Rule: July 1, 2022.

Purpose: The rule amends WAC 192-150-112 so that the definition of domestic violence is consistent with the definition contained in section 2 of E2SHB 1320 (chapter 215, Laws of 2021). Section 2 of E2SHB 1320 (chapter 215, Laws of 2021) was codified at RCW 7.105.010.

Citation of Rules Affected by this Order: Amending WAC 192-150-112.

Statutory Authority for Adoption: E2SHB 1320 (sections 2 and 3, chapter 215, Laws of 2021); RCW 50.20.050.

Adopted under notice filed as WSR 21-22-110 on November 3, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 15, 2022.

Dan Zeitlin
Employment System Policy Director

OTS-3315.2

AMENDATORY SECTION (Amending WSR 10-01-156, filed 12/22/09, effective 1/22/10)

WAC 192-150-112 Definitions—Domestic violence and stalking—RCW 50.20.050 (1) (b) (iv) and (2) (b) (iv). To constitute good cause for leaving work, your job separation must have been necessary to protect yourself or a member of your immediate family from domestic violence or stalking.

(1) **Immediate family** is defined (~~(in WAC 192-150-055 and means)~~) as your spouse, domestic partner, and (~~(+the+)~~) the children (including your unborn children), siblings, stepchildren, foster children, or parents of either spouse or domestic partner, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

(2) (~~(+a+)~~) **Domestic violence** is defined in RCW (~~(26.50.010. It includes the following acts committed between family or household members:~~

~~(i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault;~~

~~(ii) Sexual assault; or~~

~~(iii) Stalking.~~

~~(b) The perpetrator of domestic violence must be a family or household member, which means:~~

~~(i) Spouses, domestic partners, former spouses, and former domestic partners,~~

~~(ii) Persons who have a child in common regardless of whether they have been married or have lived together at any time,~~

~~(iii) Adult persons related by blood or marriage,~~

~~(iv) Adult persons who are presently residing together or who have resided together in the past,~~

~~(v) Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,~~

~~(vi) Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and~~

~~(vii) Persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, grandparents, and grandchildren.~~

~~(c) "Dating relationship" means a social relationship of a romantic nature)) 7.105.010.~~

(3) **Stalking** is defined by RCW 9A.46.110. It means:

(a) Intentionally and repeatedly harassing or following another person; and

(b) Placing the person being harassed or followed in fear of injury to self or property, or to another person or the property of another person; and

(c) Intending to frighten, intimidate, or harass the other person; or

(d) Knowing or having reason to know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(i) "Harass" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

(ii) "Repeatedly" means on two or more separate occasions.

(iii) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(iv) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 34.05.120. WSR 10-01-156, § 192-150-112, filed 12/22/09, effective 1/22/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, and 50.20.010. WSR 05-13-156, § 192-150-112, filed 6/21/05, effective 7/22/05.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.