

WSR 23-04-067

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 30, 2023, 10:57 a.m.]

Semi-Annual Rule-Making Agenda
January - July 2023

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	WAC 192-310-010, 192-310-030, and 192-310-050	Requiring employers to include the standard occupational classification (SOC) code or job title of each worker in their quarterly tax reports (SHB 2308 - 2020).	Filed May 12, 2021, in WSR 21-11-031	Filed August 19, 2022, in WSR 22-17-110	Filed October 17, 2022, in WSR 22-21-094
Unemployment insurance benefits	WAC 192-240-025	Updates unemployment insurance qualifications for health care workers (ESSB 5190 - 2021).	Filed May 13, 2021, in WSR 21-11-052	Filed June 28, 2022, in WSR 22-14-049	Filed October 17, 2022, in WSR 22-21-093
Unemployment insurance benefits	WAC 192-110-095, 192-320-078, 192-320-082, 192-140-098, 192-150-055, 192-180-005, 192-180-025, 192-180-040, 192-270-065, 192-250-020, 192-250-045, 192-110-015, 192-310-030, 192-140-090, 192-04-210, 192-110-050, 192-320-072, 192-240-070, and 192-110-006	Expanding access to shared work by removing the requirement that an employer be legally registered in the state for at least six months. This is a supplemental filing to WSR 20-13-041.	Filed June 10, 2020, in WSR 20-13-041; March 10, 2021, in WSR 21-07-035; December in WSR 22-01-192	Filed June 22, 2022, in WSR 22-13-172	Filed August 19, 2022, in WSR 22-17-109
Unemployment insurance benefits	WAC 192-04-145	Adopting brief adjudicative proceedings.	Filed June 21, 2022, in WSR 22-16-008	Filed September 16, 2022, in WSR 22-19-059	Filed November 9, 2022, in WSR 22-23-064
Unemployment insurance benefits	WAC 192-150-180	Updating a cross-reference in RCW 50.20.050, regarding part-time quits.		Filed June 2, 2022	Filed September 7, 2022, in WSR 22-18-091
Unemployment insurance benefits	WAC 192-170-080	Updating eligibility for unemployment insurance benefit eligibility for claimants on a leave of absence.	Filed July 6, 2022, in WSR 22-15-002	Filed November 9, 2022, in WSR 22-23-065	Expected February 2023
Unemployment insurance benefits	To be determined	Updates work search requirements with new flexibility provided to ESD in SHB 1493 (2021).	Filed May 28, 2021, in WSR 21-12-067	To be determined	To be determined
Unemployment insurance benefits	WAC 192-100-070	Concerning conditional payments.	Filed October 24, 2022, in WSR 22-22-028	To be determined	To be determined
Unemployment insurance benefits	To be determined	Concerning the length of time a claimant is indefinitely denied benefits due to a failure to respond to a request for information.	To be determined	To be determined	To be determined
Unemployment insurance benefits	To be determined	Concerning overpayment waivers.	To be determined	To be determined	To be determined

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Paid family and medical leave	WAC 192-520-010 and 192-610-025	Implementation of 2SSB 5649 (2022 legislation) regarding parties to collective bargaining agreements, new provisions for leave taken for the postnatal period or death of a child, and documentation requirements.	Filed March 31, 2022, in WSR 22-08-049	Filed June 22, 2022, in WSR 22-13-176	Filed August 8, 2022, in WSR 22-17-029
Paid family and medical leave	To be determined	Clarifying the definition of placement, correcting an out-of-date pointer to an RCW, elective coverage eligibility, designated representative, and employer reporting requirements. Topics may include other rules as necessary.	Filed October 17, 2022, in WSR 22-21-096	To be determined	To be determined
Long-term services and supports (WA Cares)	WAC 192-935-005 and 192-935-010	The third phase of rule making for initial implementation of Title 50B RCW regarding employer audits.	Filed November 2, 2021, in WSR 21-22-107	Filed August 3, 2022, in WSR 22-16-111	Filed September 28, 2022, in WSR 22-20-044
Long-term services and supports (WA Cares)	WAC 192-905-005, 192-905-006, 192-905-007, 192-905-010, 192-910-015, 192-915-005, and 192-915-015	Implementation of SHB 1732 and ESHB 1733 delaying the WA Cares fund program by 18 months and adding four new voluntary exemptions.	Filed March 30, 2022, in WSR 22-08-039	Filed August 3, 2022, in WSR 22-16-111	Filed September 28, 2022, in WSR 22-20-044

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 informational 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 at 360-890-3448, or email at rules@esd.wa.gov.