

WSR 24-17-054

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 15, 2024, 7:40 a.m., effective September 15, 2024]

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

Purpose: This rule making is necessary to incorporate into the employment security department's (department) rules the changes made by ESHB 1106 (2023), which amended RCW 50.20.050. RCW 50.20.050 sets forth the exclusive good cause reasons for which an individual can quit their job and receive unemployment benefits. Under the amendments to RCW 50.20.050, an individual can quit their job due to inaccessible care of a child or vulnerable adult in the claimant's care and due to an employer changing the claimant's regularly scheduled shift or split shift. This rule making will clarify the requirements for establishing good cause to quit due to inaccessible care of a child or vulnerable adult in the claimant's care. This rule making will also add a definition for "split shift" to the department's rules.

Citation of Rules Affected by this Order: New WAC 192-150-065; and amending WAC 192-150-145.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.050.

Other Authority: ESHB 1106 (2023).

Adopted under notice filed as WSR 24-11-139 on May 21, 2024.

A final cost-benefit analysis is available by contacting Stephanie Frazee, P.O. Box 9046, Olympia, WA 98507-9046, phone 425-465-0313, fax 844-652-7096, TTY relay 771 [711], email stephanie.frazee@esd.wa.gov, website <https://www.esd.wa.gov/newsroom/ui-rulemaking/expanding-good-cause-voluntary-quitting-employment>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 15, 2024.

Joy E. Adams
Employment System Policy and Integrity Division Director

OTS-5297.1

NEW SECTION

WAC 192-150-066 Leaving work due to inaccessible care for a child or a vulnerable adult. For separations occurring on or after July 7, 2024, and before July 8, 2029:

(1) **General rule.** To establish good cause for leaving work voluntarily because the care for a child or vulnerable adult in your care is inaccessible, you must demonstrate that:

(a) You left work primarily because of such caregiving inaccessibility;

(b) The caregiving inaccessibility made it necessary for you to leave work;

(c) You terminated your employment status and are not entitled to be reinstated to the same position or a comparable similar position; and

(d) You made reasonable efforts to preserve your employment prior to leaving work, including:

(i) Requesting changes in working conditions; changes to your work schedule that would accommodate the caregiving inaccessibility; or a leave of absence, notifying your employer of the reason(s) for the leave of absence before the date you begin the leave of absence; and

(ii) Asking to be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

(2) **Exception.** You may be excused from pursuing reasonable alternatives prior to leaving work as required by subsection (1)(d) of this section if you can show that doing so would have been a futile act.

OTS-5298.1

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-150-145 Change in working conditions covered by RCW 50.20.050 (2) (b) (v) through (x) and (xiv). (1) If you quit work due to a change in working conditions that meets the requirements of RCW 50.20.050 (2) (b) (v) through (x) or (xiv), the department will not deny benefits solely on the basis that you continued working for a brief period of time following the change. However, you must demonstrate to the department that the change in working conditions was the motivating factor for quitting work.

(2) "Brief period of time" means the amount of time a reasonably prudent person would have continued working after the change in circumstances.

(3) "Split shift" means a work schedule in which paid and working time periods are interrupted by nonpaid and nonworking time periods established by the employer, with the time period between shifts being longer than a bona fide rest or meal period and within the same work day.