

WSR 26-03-055

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 15, 2026, 11:44 a.m., effective February 15, 2026]

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

Purpose: The purpose of this rule making is to update the employment security department's (department) rules to reflect changes made in SHB 1570 (2023) regarding relief of benefit charging for employers offering part-time work. SHB 1570 allows employers to be eligible for relief of benefit charges if they are continuing to provide part-time work in "substantially the same amount" to a claimant who has lost other work. The statute previously provided relief of benefit charges to an employer when an individual continued to be employed "on a regularly scheduled permanent [part-time basis]."

The rule making will also update the department's rules on voluntary quits for reduction in hours or compensation of 25 percent or more to reflect the nature of work for transportation network companies. The rules specify that a reduction in usual hours or compensation will be measured by comparing the region's aggregate data in past quarters to recent quarters to determine whether a driver claiming benefits had good cause for quitting for these reasons. The rules also define a region as a municipality with a population of more than 600,00[0] and clarify that if a transportation network company's driver has at least 33 percent of their completed trips originate in a region in a quarter, they will be deemed to have the usual compensation and usual hours in that region for that quarter.

Citation of Rules Affected by this Order: New WAC 192-320-071; and amending WAC 192-150-115 and 192-150-120.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.070, 50.04.370, 50.29.021, and 50.20.050.

Adopted under notice filed as WSR 25-17-090 on August 20, 2025.

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://esd.wa.gov/about-us/who-we-are-and-what-we-do/rulemaking/unemployment-insurance-benefits-rules/transportation-network-companies>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, 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: January 15, 2026.

Joy Adams, Director
Employment System Policy and Integrity

RDS-5538.3

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-150-115 Reduction in compensation of (~~twenty-five~~) 25 percent or more—RCW 50.20.050 (2) (b) (v). (1) "Compensation" means remuneration as defined in RCW 50.04.320.

(2) "Usual" includes amounts actually paid to you by your employer or, if payment has not yet been made, the compensation agreed upon by you and your employer as part of your hiring agreement. For a driver of a transportation network company as defined in RCW 50.04.370, your "usual compensation" will be determined based on the average compensation per active driver in the region in the same quarter of the previous year.

(3) To constitute good cause for quitting work under this section, employer action must have caused the reduction in your usual compensation. For a driver of a transportation network company as defined in RCW 50.04.370, the transportation network company will be deemed to have caused the reduction if the aggregate compensation of drivers divided by the number of active drivers in the region is reduced by 25 percent or more in the most recent calendar quarter for which reporting has been completed compared to the same quarter of the previous year.

(4) All reductions in compensation occurring since the beginning of your base period to the date of separation will be included in the determination as to whether your compensation was reduced by (~~twenty-five~~) 25 percent or more.

(5) The percentage of reduction will be based on your most recent pay grade, salary, or other benefits you received or have accepted on a permanent basis. It does not include any temporary raises or other compensation for performing temporary duties.

(6) For purposes of this rule as it applies to transportation network company drivers, the state is divided into regions as follows:

(a) Each municipality with a population of more than 600,000 shall be a distinct region; and

(b) The remainder of the state shall constitute a single region.

(7) If a transportation network company's driver has at least 33 percent of their completed trips originate in a region in a quarter, the driver will be deemed to have the usual compensation in that region for that quarter.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-150-120 Reduction in hours of (~~twenty-five~~) 25 percent or more—RCW 50.20.050 (2) (b) (vi). (1) Your "usual hours" will be determined based on:

(a) The hours of work agreed on by you and your employer as part of your individual hiring agreement;

(b) For seasonal jobs, the number of hours you customarily work during the season; (~~or~~)

(c) For piecework, the number of hours you customarily work to complete a fixed volume of work; or

(d) For a driver of a transportation network company as defined in RCW 50.04.370, the average number of hours per active driver in the region in the same quarter of the previous year.

(2) To constitute good cause for quitting under this section, employer action must have caused the reduction in your usual hours. For a driver of a transportation network company as defined in RCW 50.04.370, the transportation network company will be deemed to have caused the reduction if the aggregate hours of drivers, calculated pursuant to WAC 192-310-040(8), divided by the number of active drivers in the region is reduced by 25 percent or more in the most recent calendar quarter for which reporting has been completed compared to the same quarter of the previous year.

(3) All reductions in hours occurring since the beginning of your base period through the date of separation will be included in the determination as to whether your hours were reduced by ~~((twenty-five))~~ 25 percent or more.

(4) In determining the percentage of reduction, the department will not consider any temporary overtime or additional hours performed on a temporary basis.

(5) For purposes of this rule as it applies to transportation network company drivers, the state is divided into regions as follows:

(a) Each municipality with a population of more than 600,000 shall be a distinct region; and

(b) The remainder of the state shall constitute a single region.

(6) If a transportation network company's driver has at least 33 percent of their completed trips originate in a region in a quarter, the driver will be deemed to have the usual hours in that region for that quarter.

OTS-5232.1

NEW SECTION

WAC 192-320-071 Relief of charges to employers furnishing part-time work. (1) (a) An employer will be deemed to be continuing to furnish or make available part-time work to the individual in substantially the same amount as during the individual's base year if the employer is continuing to furnish or make available hours, with respect to a week in the benefit year, in an amount equal to 90 percent or more of the individual's average part-time weekly base year hours.

(b) An individual need not actually work substantially the same amount of hours as during the individual's base year in order for the employer to be eligible for relief of benefit charges, so long as the employer is continuing to furnish or make available substantially the same amount of hours as during the individual's base year.

(2) For purposes of this section:

(a) Base year means either the individual's regular base year or alternate base year, depending on whichever is used as the basis for the individual's claim.

(b) An individual's average part-time weekly base year hours shall be calculated by dividing the individual's total base year part-

time hours worked for the employer requesting relief of charges by the total weeks of part-time work associated with such hours.

(3) Benefit charge relief will cease when, with respect to a week in the benefit year, the employer stops furnishing or making available hours to the individual in substantially the same amount as during the individual's base year.