WSR 26-18-011
EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 2026, 12:06 p.m., effective August 21, 2026, 12:06 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to clarify that work search activities are required for claimants who are receiving unemployment insurance benefits due to a strike in accordance with the United States Department of Labor's (USDOL) interpretation of 42 U.S.C. § 503. USDOL has warned the employment security department (department) that its current work search rule is out of conformity with federal law and must be immediately remedied or the department may lose federal funding for administration of the unemployment insurance program and employers in Washington state may lose their tax credits under the Federal Unemployment Tax Act.

Currently, the department's rule, WAC 192-180-010, states that claimants must be actively seeking work unless they are attached to an employer as defined in WAC 192-180-005(1). WAC 192-180-005 (1)(a)(iii) states claimants who are unemployed because they are on strike are considered to be attached to an employer. This rule making is updating WAC 192-180-005 (1)(a) to remove claimants who are on strike from the definition of "attached to an employer," with the result being that those claimants will be required to perform approved work search activities in order to be eligible for unemployment insurance benefits.

Citation of Rules Affected by this Order: Amending WAC 192-180-005.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.230, and 50.20.090.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: USDOL has warned the department that its current work search rule is out of conformity with federal law and must be immediately remedied or the department may lose federal funding for administration of the unemployment insurance program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.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: August 21, 2026.

Lekha Fernandes, Director
Employment System Policy and Integrity Division

RDS-7372.1

AMENDATORY SECTION (Amending WSR 22-13-007, filed 6/2/22, effective 7/3/22)

WAC 192-180-005 Registration for work—RCW 50.20.010(1) and 50.20.230. (1) **Am I required to register for work?** You must register for work unless you are:

(a) Attached to an employer, meaning you are:

(i) Partially unemployed as defined in WAC 192-180-013(1);

(ii) On standby as defined by WAC 192-110-015;

(iii) Participating in the shared work program under chapter 50.60 RCW;

(iv) Until August 22, 2026, unemployed because you are on strike or locked out from the worksite as provided in RCW 50.20.090; or

((~~(iv) Participating in the shared work program under chapter 50.60 RCW~~)) (v) On or after August 23, 2026, unemployed due to a lock-out by your employer as a result of a labor dispute;

(b) A member of a union that participates in the referral union program (see WAC 192-210-110);

(c) Participating in a training program approved by the commissioner;

(d) The subject of an antiharassment order. This includes any court-issued order providing for your protection, such as restraining orders, no contact orders, domestic violence protective orders, and similar documents;

(e) An active registered electrical apprentice in an approved electrical apprenticeship program under chapter 49.04 RCW and chapter 296-05 WAC; or

(f) Under isolation or quarantine at the request of a medical professional, local health official, or the Secretary of Health as a consequence of a disease that is the subject of a public health emergency, even if you or your immediate family member have not been actually diagnosed with a disease that is the subject of a public health emergency.

(2) **How soon do I have to register?**

(a) If you live within the state of Washington, the department will register you automatically based on information contained in your application for benefits. In unusual circumstances where you are not automatically registered, you must register within one week of the date on which you are notified by the department of the requirement to register for work.

(b) If you live in another state, you must register for work within one week of the date your first payment is issued on your new or reopened claim.

(c) If you have been requested by a medical professional, local health official, or the Secretary of Health to be isolated or quarantined as a consequence of a disease that is the subject of a public health emergency, even if you or your immediate family member have not been actually diagnosed with a disease that is the subject of a public health emergency and were not automatically registered, you must register for work within one week of the date you are no longer requested to be isolated or quarantined.

(3) **Where do I register for work?** You will be registered for work with the department. However, if you live in another state, you must register for work with the equivalent public employment agency in that state.

(4) **What is the penalty if I do not register for work?** You will not be eligible for benefits for any week in which you are not registered for work as required by this section.