

NEW SECTION

WAC 192-210-201 Federal employees affected by a government shutdown

(1) For purposes of this rule, a "federal employee affected by a government shutdown" is defined as an individual who, on or after December 22, 2018, is a full time or part time employee of the United States government, or of any agency or instrumentality thereof, who is not being paid timely solely due to a lapse in appropriations. For purposes of this section, "not being paid timely" means not receiving payment of wages on the regular pay date designated by the federal government or agency.

(2) Federal employees affected by a government shutdown are deemed to be "unemployed" under RCW 50.04.310, regardless of whether they are performing services for the United States, or for any agency or instrumentality thereof, and are eligible for unemployment benefits so long as they otherwise meet the eligibility and qualification requirements of the Employment Security Act, PROVIDED, that the department will consider such

claimants to be attached to their employers under WAC 192-180-005(1)(a) and will not require them to register for work or look for other work beginning with the first week of an individual's claim and ending the week the United States government appropriates funding to pay the individual's wages. HOWEVER, if the individual is recalled to work and refuses to return to work for their government employer prior to the appropriation of funds used to pay their wages, they will no longer be considered attached to their employer and will be required to register for work and look for work.

(3) If a federal employee affected by a government shutdown receives back pay intended to compensate the individual for the week or weeks for which the individual did not receive wages, the individual shall repay the department any benefits received for any week covered by an award of back pay. If the individual fails to repay the department, the department may establish a benefit overpayment pursuant to RCW 50.20.190 and RCW 50.24.020.