



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

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FILED

DATE: March 30, 2018

TIME: 11:19 AM

WSR 18-08-052

**Agency:** Employment Security Department

**Subject of possible rule making:** Clarifying requirements for educational employees to qualify for unemployment benefits, specifically addressing modifications to the analysis of whether an education employee has a contract or reasonable assurance of continued employment, as well as clarifying eligibility requirements for educational employees with multiple employers

**Statutes authorizing the agency to adopt rules on this subject:** RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department.

**Reasons why rules on this subject may be needed and what they might accomplish:** The Federal Department of Labor issued new binding guidance to states regarding reasonable assurances between academic terms. In order to bring ESD into conformity with DOL rules, the legislature passed SHB 2703 and new rules will be necessary to insure full proper implantation and to provide more detailed guidance to employers and claimants.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The proposed rule will be shared with stakeholders as identified through the standard rule-making process. ESD will solicit input and consider all comments in the development of the final rule.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Other:	Web site:
	Other:

Additional comments:

**Date:** March 30, 2018

**Name:** Dale Peinecke

**Title:** Commissioner

**Signature:**