



Employment Security Department

WASHINGTON STATE

RULE IMPLEMENTATION PLAN (RCW 34.05.328)

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby places into the rulemaking file an implementation plan for the new and amended rules regarding when educational employees are denied unemployment benefits within and between academic terms.

Plan to Implement and Enforce the Rule

The Department is amending its internal computer systems to accommodate the changes necessary. This includes making necessary updates to the paper forms generated by the computer system and mailed to claimants and employers. Concurrently, the Department will update its internal policy and training manuals to reflect the rule changes and conduct in-person trainings with staff who adjudicate the unemployment claims of educational employees.

The rule changes will be enforced when educational employees file a claim for unemployment benefits. During the time educational employees are filing weekly unemployment claims, both the employees and their employers will have an opportunity to present evidence to agency staff on whether the employees are eligible for benefits under these rules. Department staff will then decide each employee's case on an individual basis, based on the information presented by the employee and the employer. The Department's decision to either grant or deny benefits are subject to the right to administrative appeal.

Plan to Inform and Educate Affected Persons About the Rule

The Department intends to perform the following tasks either before or soon after the rules become effective:

- E-mail stakeholders who have signed up for e-mail notifications for agency rulemaking
- Offer to send notice to educational employer and employee organizations for publication in those organizations' newsletters
- Update the agency's Handbook for Unemployed Workers
- Create a separate page on esd.wa.gov for educational employees and employers with information on how unemployment claims for educational employees are different. This will include a fact sheet and/or "frequently asked questions" page
- Conduct a continuing legal education presentation on the new rules for the benefit of administrative law judges at the Office of Administrative Hearings



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Plan to Promote and Assist Voluntary Compliance

Educational employers whose employees file unemployment claims are sent notice by the Department of the claims. At that time, employers will have the opportunity to present evidence showing the employees are not eligible for benefits. During this process, employers may use telephone calls or electronic messaging to contact the Department to ask questions or seek clarification.

Plan to Evaluate Whether the Rules Achieve the Purpose for Which They Were Adopted

The rules are being adopted in order to conform state law with federal guidance issued by the United States Department of Labor in Unemployment Insurance Program Letter No. 5-17 (Dec. 22, 2017). If Washington law is not in conformity with federal law and guidance, the Department will receive notice from the United States Department of Labor. Therefore, the rules will have achieved their intended purpose if the U.S. Department of Labor does not find the Department to be out of conformity with these requirements.