



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 08, 2020

TIME: 9:22 AM

WSR 20-13-019

Agency: Employment Security Department

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The rulemaking is proposed in order to address the charging of the first week of unemployment benefits while the statutory requirement for claimants to serve a waiting week is waived and suspended. This rule finds that the first week of unemployment benefits should not be charged to either taxable or reimbursable employers during any week where the Governor has waived or suspended statutes requiring claimants to serve a waiting week before they are eligible to receive any unemployment benefits, since this first week is fully federally funded.

Citation of rules affected by this order:

New: 192-320-079
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 50.12.040

Other authority: Unemployment Insurance Program Letter No. 20-20 (Apr. 30, 2020)

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- 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: On March 18, 2020, the Governor issued Emergency Proclamation 20-21, which suspended state statute requiring unemployed individuals to serve a waiting week before they became eligible for unemployment benefits. With the consent of Legislative leadership, the Governor has extended this emergency proclamation until at least June 17, 2020. The Governor suspended these statutes in order reduce the economic hardship on Washingtonians as the COVID-19 pandemic and the need to curtail the spread of COVID-19 caused many businesses to close or greatly reduce operations, resulting in a large number of employees being laid off. On March 29, 2020, Congress passed and the President signed the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, P.L. 116-136. Sec. 2105 of the CARES Act provides that from the week ending April 4, 2020, through the week ending December 26, 2020, the federal government will fully reimburse Employment Security for the first week of benefits during any week for which there is no requirement that claimants serve a waiting week in order to receive benefits. This emergency rule is necessary to prevent further economic hardship on Washington employers who had to lay off employees as a result of COVID-19, especially in light of the fact that the first week an individual was unemployed has traditionally been an unpaid week, as well as the fact that the first week of benefits is currently being fully reimbursed by the federal government.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>1</u>	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: June 8, 2020

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature:

