



Employment Security Department Semi-Annual Rulemaking Agenda (January 2020 – July 2020)

The Employment Security Department (ESD) prepares a semi-annual rulemaking agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is published in the Washington State Register.

ESD encourages the public to be involved in the rulemaking processes by attending public hearings and submitting comments on rules. To stay informed of our progress and be notified of any changes, please sign up for email notifications: <https://public.govdelivery.com/accounts/WAESD/subscriber/new>. Additional rulemaking information is available on the agency website at <https://esd.wa.gov/newsroom/rulemaking>.

Subject Matter or Division	WAC Chapter or Sections	Purpose and scope of rulemaking	Pre-Proposal Notice Filings (CR101)	Proposed Rule and Public Hearing Filings (CR102 or CR105 expedited)	Permanent Rule Filing (CR103)
Unemployment Insurance Benefits	WAC Chapter 192-170	Establishing limited circumstances for when individuals can claim unemployment benefits while in another country	Filed March 14, 2019, in WSR 19-07-041	Filed November 6, 2019 in WSR 19-22-081	Expected to file March 2020
Unemployment Insurance Benefits	WAC 192-110-015	Permitting individuals to backdate requests for standby	Filed March 6, 2019, in WSR 19-06-088	Filed September 11, 2019 in WSR 19-19-031	Filed January 10, 2020 in WSR 20-03-073
Unemployment Insurance Benefits	WAC 192-170-010, 020, 050, 070, 090; 192-200-005; 192-140-200	Modifying unemployment eligibility requirements for individuals caring for children and vulnerable adults	Filed May 20, 2019, in WSR 19-11-095	Filed January 14, 2020 in WSR 20-03-102	Expected to file March 2020

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STATE OF WASHINGTON
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WSR 20-04-061

Unemployment Insurance Benefits	WAC 192-170-010, 192-180-005, 192-180-010	Modifying unemployment insurance benefit eligibility requirements for electrical apprentices	Filed June 21, 2019, in WSR 19-14-016	Filed October 14, 2019 in WSR 19-21-082	Expected to file February 2020
Subject Matter or Division	WAC Chapter or Sections	Purpose and scope of rulemaking	Pre-Proposal Notice Filings (CR101)	Proposed Rule and Public Hearing Filings (CR102 or CR105 expedited)	Permanent Rule Filing (CR103)
Unemployment Insurance Benefits	WAC 192-190-020, 192-190-025	Clarifying that any pension payments that an unemployment claimant receives should be deducted from the claimant's weekly benefit amount and not deducted from the claimant's maximum benefits payable.	Filed July 24, 2019	Filed September 17, 2019, in WSR 19-19-065	Expected to file September 2020
Unemployment Insurance Benefits	WAC 192-02; 192-15	Modifying Employment Security Department public disclosure and privacy rules	Filed August 26, 2019, in WSR 19-18-010	Expected February 2020	Expected to file May 2020
Unemployment Insurance Benefits	WAC 192-170-080	Updating the status of "leave of absence" in relation to unemployment insurance benefit qualifications.	Expected to file April 2020	CR 105 filed October 19, 2019, in WSR 19-21-043. Objection filed, not withdrawn.	To be determined
Unemployment Insurance Benefits	WAC 192-310-040	Clarifying the exempt status of paid time off for reasons related to domestic violence, sexual assault or stalking, and when faced with the closure of a workplace, school, or place of care by a public official for health reasons.	To be determined	To be determined	To be determined
Unemployment Insurance Benefits	WAC 192-200-005	Updating the definition of benefit week for students to match references to benefit week in other WACs.	To be determined	To be determined	To be determined

Paid Family and Medical Leave	Chapter 192-500 WAC	This rulemaking includes, but is not limited to, amending or update definitions of “Claim year,” and adding a defition for “sibling.”	Filed January, 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
Subject Matter or Division	WAC Chapter or Sections	Purpose and scope of rulemaking	Pre-Proposal Notice Filings (CR101)	Proposed Rule and Public Hearing Filings (CR102 or CR105 expedited)	Permanent Rule Filing (CR103)
Paid Family and Medical Leave	WAC 192-630-015	Amended rule to address how employers are notified by the department that an employee has been approved or denied for PFML benefits and other related topics.	Filed January, 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
Paid Family and Medical Leave	Chapter 192-800 WAC	This rulemaking will address whether a deceased employee’s estate or designated representative can claim benefits on behalf of the deceased employee, and other related topics.	Filed January, 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
Paid Family and Medical Leave	Chapter 192-700 WAC	Providing clarity on when an employer is required to maintain existing health benefit coverage for an employee taking PFML benefits.	Filed January, 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
Long Term Services and Supports	To be determined	ESD will work with other agencies regarding rulemaking for our agency’s role of collecting premium payments and reports from employers as it relates to long term services and supports.	To be determined	To be determined	To be determined

ESD is responsible for initiating rulemaking to implement new state laws, meet federal requirements, and to meet unforeseen circumstances. Because of this variability, this agenda is prepared for information purposes only and any dates noted herein are planning estimates that are subject to change. Additional rulemaking can occur in addition to what is listed on the agenda.

This agenda does not constitute a rule or rulemaking action. Any errors or omissions in this agenda do not affect the actual rules or rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register.

The rulemaking process can appear complex. ESD has outlined the process on its website to help constituents understand and become involved: <https://www.esd.wa.gov/newsroom/rulemaking-process>. If you have additional questions, please contact the Agency Rules Coordinator, Scott E. Michael at (360) 890-3448, or email at rules@esd.wa.gov.