



Employment Security Department Semi-Annual Rulemaking Agenda (January 2022 – July 2022)

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 192-310-010, 192-310-030, and 192-310-050	Requiring employers to include the Standard Occupational Classification (SOC) code or job title of each worker in their quarterly tax reports (SHB 2308 – 2020).	Filed May 12, 2021 in WSR 21-11-031	To be determined	Will be completed prior to October 1, 2022.
Unemployment Insurance Benefits	WAC 192-240-025	Updates unemployment insurance qualifications for health care workers (ESSB 5190 – 2021).	Filed May 13, 2021 in WSR 21-11-052	Expected February 2022	To be determined
Unemployment Insurance Benefits	To be determined	Updates work search requirements with new flexibility provided to the Department in SHB 1493 (2021).	Filed May 28, 2021 in WSR 21-12-067	To be determined	To be determined

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STATE OF WASHINGTON
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Unemployment Insurance Benefits	WAC 192-110-095, 192-320-078, 192-320-082, 192-140-098, 192-150-055, 192-180-005, 192-180-025, 192-180-040, 192-270-065, 192-250-020, 192-250-045, 192-110-015, 192-310-030, 192-140-090, 192-04-210, 192-110-050, 192-320-072, 192-240-070, and 192-110-006	Reviewing phase 1, phase 3, and phase 4 emergency rules adopted as part of the state's COVID-19 pandemic response for permanent adoption.	Filed June 10, 2020 in 20-13-041; March 10, 2021 in 21-07-035; Dec in 22-01-192	Filed December 20, 2021 in WSR 22-01-191, 22-01-204, and 22-01-192	Expected February 2022
Unemployment Insurance Benefits	WAC 192-150-112	Aligns WAC 192-150-112 with new definitions of domestic violence contained in E2SHB 1320 (2021).		CR 105 filed Nov 3, 2021, in WSR 21-22-110	Expected February 2022
Unemployment Insurance Benefits	WAC 192-170-055, 192-270-035, and 192-100-901	Reviewing phase 1, part 2 emergency rules adopted as part of the state's COVID-19 pandemic response for permanent adoption.	Extension of CR 101 filed June 10, 2020 in 20-13-041	Expected February 2022	To be determined
Unemployment Insurance Benefits	WAC 192-170-015	Defining verification of underlying health conditions.	Filed August 11, 2021, in WSR 21-17-059	Filed November 19, 2021, in WSR 21-24-018	Expected February 2022
Unemployment Insurance Benefits	WAC 192-190-020	Repealing lump sum retirement deductions.		CR 105 filed December 13, 2021, in WSR 22-01-125	Expected February 2022
Unemployment Insurance Benefits	WAC 192-110-150	Updating a cross-reference regarding benefit certifications.		CR filed November 17, 2021, in WSR 21-23-100	Expected February 2022
Paid Family and Medical Leave	WAC 192-620-035, WAC 192-610-040	Updates regarding proration and backdating to provide clarification and operational flexibility.	Filed May 17, 2021, WSR 21-11-077	Filed July 7, 2021, WSR 21-14-093	Filed August 30, 2021 WSR 21-18-082
Paid Family and Medical Leave	WAC 192-500-200, WAC 192-510-095, WAC 192-530-100, WAC 192-560-	Implementing 2021 legislation, House Bill 1073 and Senate Bill 5097 regarding pandemic leave	Filed April 28, 2021, WSR 21-10-047	Filed June 22, 2021, WSR 21-13-161	Filed July 29, 2021 WSR 21-16-062

	011, WAC 192-610-035, WAC 192-610-100	assistance and the expanded definition of family member.			
Paid Family and Medical Leave	WAC 192-500-185, WAC 192-560-010, WAC 192-620-035 and 040, WAC 192-800-125 and 150	Updates regarding waiting period requirements, small business assistance grants, filing petitions for review, and other clarifying guidance.	Filed November 2, 2021 WSR 21-22-106	Expected to be filed February 2022	Expected to be filed April 2022
Long-term Services and Supports (WA Cares)	WAC 192-910-025	Implementing a portion of SHB 1323 (2021 legislation) to provide a pathway for federally recognized tribes to elect program coverage.	Filed June 22, 2021 WSR 21-13-141	Filed December 1, 2021 WSR 21-24-098	Filed January 26, 2022 WSR 22-04-040
Long-term Services and Supports (WA Cares)	WAC 192-900-005, 010, 015, 020, 025, 030, and 035, WAC 192-910-005, 010, 015, and 020, WAC 192-915-005, 010, 015, WAC 192-920-005, WAC 192-925-005, 010, and 015	The second phase of rulemaking to implement Title 50B RCW addressed definitions, premium collection, reporting and payments, CBA exemption, election of coverage by self-employed individuals, appeals, and other subjects as needed.	Filed October 16, 2020, WSR 20-21-072	Filed June 2, 2021, WSR 21-12-104	Filed August 18, 2021 WSR 21-17-140
Long-term Services and Supports (WA Cares)	WAC chapters to be determined	The third phase of rulemaking to implement Title 50B RCW will address audit functions and other rules as necessary.	Filed November 2, 2021 WSR 21-22-107	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 informational 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.