



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 21, 2024

TIME: 2:11 PM

WSR 24-11-139

Agency: Employment Security Department

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 23-12-017; or**
- Expedited Rule Making--Proposed notice was filed as WSR** _____; **or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: WAC 192-150-145 Change in working conditions by RCW 50.20.050(2)(b)(v) through (x) and WAC 192-150-065 Leaving work due to inaccessible care for a child or vulnerable adult (new rule)

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 11, 2024	9:00 AM	Zoom Meeting ID: 899 1596 2264 Passcode: 151558 Call in: +13052241968,,89915962264#,, ,*151558# US +13092053325,,89915962264#,, ,*151558# US	Join Zoom meeting: https://esd-wa.gov.zoom.us/j/89915962264?pwd=UWdNbE1V3JFUUnVpVWdpeEp3bU01Zz09

Date of intended adoption: July 18, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Stephanie Frazee
Address: P.O. Box 9046, Olympia, WA 98507-9046
Email: rules@esd.wa.gov
Fax: 844-652-7096
Other:
By July 11, 2024

Assistance for persons with disabilities:

Contact Teresa Eckstein
Phone: 360-507-9890
Fax: 360-586-4600
TTY: Relay 711
Email: Teresa.eckstein@esd.wa.gov
Other:
By July 11, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking is necessary to incorporate into the Department's rules the changes made by House Bill 1106 (2023), which amended RCW 50.20.050 and expanded the good cause reasons for voluntarily quitting employment, including adding good cause quit due to inaccessible care of a child or vulnerable adult in the claimant's care and due to an employer changing the claimant's shift, under certain circumstances. This rulemaking will add the new good cause reason to quit of inaccessible care for a child or vulnerable adult into the Department's rules and will add a definition for "split shift."

Reasons supporting proposal: This rulemaking is necessary to incorporate into the Department's rules the changes made by House Bill 1106 (2023), which expanded the good cause reasons for voluntarily quitting employment set forth in RCW 50.20.050. This rulemaking will add the new good cause reason to quit employment due to inaccessible care of a child or vulnerable adult to the Department's rules and will define the term "split shift," which will add clarity to the circumstances under which a claimant has good cause to quit due to a change in schedule.

Statutory authority for adoption: RCW 50.12.010; RCW 50.12.040; RCW 50.20.050.

Statute being implemented: RCW 50.20.050.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Type of proponent: Private Public Governmental
Name of proponent: Employment Security Department

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stephanie Frazee	Olympia, WA	425-465-0313
Implementation:	JR Richards	Olympia, WA	360-463-1079
Enforcement:	JR Richards	Olympia, WA	360-463-1079

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name: Stephanie Frazee
Address: P.O. Box 9046, Olympia, WA 98507-9046
Phone: 425-465-0313
Fax: 844-652-7096
TTY: Relay 771
Email: rules@esd.wa.gov
Other: <https://esd.wa.gov/newsroom/rulemaking/leave-of-absence>

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No This rulemaking incorporates a statutory provision into the Department's rules and adds a clarifying definition, neither of which imposes costs on businesses.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: May 21, 2024

Name: Joy Adams

Title: Employment System Policy & Integrity Director

Signature:

