



# 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: May 07, 2021

TIME: 10:46 AM

WSR 21-11-007

**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 emergency rule provides clarity for which unemployment insurance benefit claimants are subject to a one week waiting period and which claimants are exempt. The Department filed WSR 21-03-007 on January 7, 2021, to adopt WAC 192-110-006. This emergency rule replaces WAC 192-110-006 to reflect changes required due to the passage of the federal American Rescue Plan Act of 2021.

**Citation of rules affected by this order:**

- New: 192-110-006
- Repealed:
- Amended:
- Suspended:

**Statutory authority for adoption:** RCW 50.12.040

**Other authority:** Proclamation by the Governor 20-21 through 20-21.11

**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 28, 2020, pursuant to the Governor's emergency powers, the Governor issued Proclamation 20-21, which waived the statutory requirement that unemployment insurance claimants serve an unpaid waiting week before claimants can receive unemployment benefits. Since that time, leaders in the Legislature repeatedly authorized the extension of this Proclamation and the statutory waiver until December 28, 2020, at which time, the Proclamation expired.

On February 8, 2021, the Governor signed Engrossed Substitute Senate Bill 5061, Chapter 2, Laws of 2021. Section 8 of ESSB 5061 allows for waiting weeks for unemployment insurance benefits to be waived when the federal government pays or reimburses the first week of benefits. In March of 2021, Congress passed, and the President signed the American Rescue Plan Act of 2021. The Act provides that from the week ending April 4, 2020, through the week ending September 4, 2021, 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 | ___ |
|-----|-----|---------|-----|----------|-----|

**The number of sections adopted on the agency's own initiative:**

|     |          |         |     |          |     |
|-----|----------|---------|-----|----------|-----|
| New | <u>1</u> | Amended | ___ | Repealed | ___ |
|-----|----------|---------|-----|----------|-----|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |     |         |     |          |     |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

**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:** May 7, 2021

**Name:** Dan Zeitlin

**Title:** Employment Security Policy Director

**Signature:**

