# RULE-MAKING ORDER

**CR-103 (June 2004)**
**(Implements RCW 34.05.360)**

**Agency:** Employment Security Department

☐ **Permanent Rule**
☒ **Emergency Rule**

**Effective date of rule:**
**Permanent Rules**
☐ 31 days after filing.
☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

**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 rule will implement SSB 6751, adopted by the 2008 Legislature, which establishes good cause for individuals who quit work to enter an approved apprenticeship training program. The rule describes the conditions under which the amended law applies and defines terms.

**Citation of existing rules affected by this order:**
Repealed:
Amended:
Suspended:

**Statutory authority for adoption:** RCW 50.12.010, RCW 50.12.040, RCW 50.20.010

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**
Adopted under notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
phone ( ) _____
fax ( ) _____
e-mail _____

**EMERGENCY RULE ONLY**
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: The legislation is effective June 12, 2008. There was insufficient time between passage and effective date to complete the rule-making process. The rule is necessary to clarify eligibility for unemployment benefits of individuals who quit work to enter apprenticeship training.

**Date adopted:** June 10, 2008

**NAME (TYPE OR PRINT)**
Karen T. Lee

**SIGNATURE**

**TITLE**
Commissioner

**CODE REVISER USE ONLY**

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08-13-037 O

**(COMPLETE REVERSE SIDE)**

**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 in the agency's own initiative:**

New _____ 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 _____ |

NEW SECTION

**WAC 192-150-160 Entering approved apprenticeship training—RCW 50.20.050(2)(b)(xi).** (1) **Effective date.** RCW 50.20.050(2)(b)(xi) and this section apply to job separations that occur on or after June 12, 2008.

(2) **Application.** This section applies only if you quit work to enter into related/supplemental (classroom) instruction that is part of an apprenticeship program. If you quit work to begin employment for an employer who is a party to an apprenticeship agreement, the department will review the separation under RCW 50.20.050(2)(b)(i) and WAC 192-150-050 to determine if you left work to accept a bona fide job offer.

(3) **Definitions.** For purposes of this chapter:

(a) "To enter" means to begin participation in the apprenticeship program.

(i) The term "to enter" includes:

(A) Apprentices who accept temporary work with an employer who is not a party to the apprenticeship agreement and quit work to re-enter training.

(B) Apprentices who quit work for a participating employer to enter a different apprenticeship program.

(ii) The term "to enter" does not include:

(A) Claimants applying for an apprenticeship program who at the time of quitting work are not enrolled in apprenticeship or pre-apprenticeship training. Their eligibility for benefits will be reviewed under RCW 50.20.050(2).

(B) Current apprentices who temporarily stop work for a participating employer to attend related/supplemental instruction that is a required component of their apprenticeship agreement. Claimants in this situation are considered to be on temporary layoff from work. Their eligibility for commissioner approved training will be reviewed under WAC 192-200-020(3).

(b) "Active participation" means attending classes or engaging in other activities that are part of the related/supplemental instruction.

(c) The terms "apprentice," "apprenticeship agreement," "apprenticeship program," "approved," and "related/supplemental instruction" have the meanings described in WAC 296-05-003.

(4) **Establishing good cause.** If you quit work to enter an apprenticeship program, you will have good cause within the meaning of RCW 50.20.050(2)(b)(xi) if you satisfactorily demonstrate that:

(a) You are entering an apprenticeship program approved by the Washington state apprenticeship training council;

(b) Prior to leaving work, you had a confirmed start date for related/supplemental instruction; and

(c) You continued in your employment for as long as was reasonably consistent with whatever arrangements were necessary to begin the related/supplemental instruction. In any event, you will not be eligible for benefits until the week prior to the week the related/supplemental instruction begins.