JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-79
Employment Security Department– Lump Sum Retirement Benefits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in the State of Washington and has been processing a historic number of unemployment claims due to the layoffs resulting from the economic impact on employers caused by the COVID-19 pandemic and the imposition of necessary safe distancing requirements; and

WHEREAS, RCW 50.04.323(3), and associated WAC 192-190-020(1), require the Employment Security Department to prorate lump sum retirement benefits "over the life expectancy of the individual" claimant, and then deduct those benefits from a claimant's

weekly unemployment benefit; which require an inordinate amount of time for the Employment Security Department's staff to process, even though these deductions, averaging seven dollars per week, are only subtracted from a claimant's weekly benefit and are not subtracted from a claimant's maximum available benefits, which means the amount deducted is usually paid later in the claim; and

WHEREAS, the Department of Health and the Center for Disease Control indicate that the numbers of cases of COVID-19 and associated deaths continues to increase dramatically across the Unites States and specifically in Washington State, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamations 20-25, et seq., that initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and later gradually relaxed those limitations based on county-by-county phasing, but on November 16, 2020, I was forced to again amend 20-25, et seq., in response to the surge of new cases of COVID-19 and resulting deaths in Washington State, to roll back the reopening of businesses and reestablishing limitations on community gatherings, which also impacts employment opportunities; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend RCW 50.04.323(3), and WAC 192-190-020(1), in their entirety, because they prevent, hinder or delay necessary action to provide unemployment compensation to workers who have been affected by the COVID-19 pandemic. The waivers and suspensions take effect immediately and will remain in effect until 11:59 p.m., January 16, 2021, or as otherwise amended or rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State