



## PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

**Agency:** Employment Security Department

**Subject of possible rule making:** Amendment and adoption of rules within Title 192 WAC related to the payment of unemployment insurance benefits. Some rule changes allow claimants and employers to take advantage of new services available through the department's new benefit payment system, such as filing and backdating claims, and permitting certain filings via eservices. Other sections will be amended or adopted to implement recommended policy changes that have been on hold due to the limitations of the department's existing payment system. These include clarifying response deadlines, calculation of base period wages, accrual of interest on benefit overpayments, permitting claimants to request holding payment until a determination of eligibility is made, and assignment of benefit charges. Other new or amended rules may be identified through the rule-making process.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 50.12.010 and RCW 50.20.010

**Reasons why rules on this subject may be needed and what they might accomplish:** The rules are needed to take advantage of improvements in technology that will streamline the application and eligibility determination for unemployment benefits. Claimants and employers will be allowed to take advantage of eservices offered by the new computer system. Documents may be provided by the department to customers by means other than the postal service, such as email. Amending rules related to filing, backdating and cancelling claims will provide consistency in services. Allowing claimants to request having payments held pending eligibility determination will provide them the opportunity to reduce or eliminate some overpayments.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all comments in the development of the final rules.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties can participate in the formulation of the proposed rule before publication by contacting:

Juanita Myers, Unemployment Insurance Rules Manager  
Employment Security Department  
P.O. Box 9046  
Olympia, WA 98507-9046  
Fax (360) 902-9200  
Email [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov)

Please include your name, organization (if any), mailing address, email address and telephone number.

**DATE**  
March 21, 2016

**NAME (TYPE OR PRINT)**  
Lisa Marsh

**SIGNATURE**

**TITLE**  
Deputy Commissioner

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 21, 2016**

**TIME: 4:51 PM**

**WSR 16-07-115**