PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Employment Security Department

Preproposal Statement of Inquiry was filed as WSR 13-12-051; or Expedited Rule Making--Proposed notice was filed as WSR ; or Proposal is exempt under RCW 34.05.310(4).

Title of rule and other identifying information: (Describe Subject) Adopt new rules in Chapter 192-320 WAC, Experience Rating and Benefit Charging.

Hearing location(s):
Employment Security Department
Maple Leaf Conference Room
212 Maple Park
Olympia, Washington

Date: November 14, 2013 Time: 11:00 a.m.

Date of intended adoption: November 18, 2013
(Note: This is NOT the effective date)

Submit written comments to:
Name: Pamela Ames
Address: P.O. Box 9046
Olympia, WA 98507-9046
e-mail: pames@esd.wa.gov
fax: (360)902-9799 by (date) November 13, 2013

Assistance for persons with disabilities: Contact Kintu Nnambi by November 13, 2013
TTY (800) 833-6384 or (360) 725-9454

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Rules are adopted to implement Chapter 189, section 3, Laws of 2013. The legislation provides that employers are not eligible for relief of unemployment benefit charges to their account if the employer fails to respond timely or adequately to a written request for information from the department and has established a pattern of such failures. The rules clarify how the department will determine whether an employer is ineligible for relief of benefit charges under these circumstances.

Reasons supporting proposal: The rules implement Chapter 189, section 3, Laws of 2013, pertaining to circumstances under which an employer may be ineligible for relief of benefit charges. The change to state law was adopted to conform to changes in federal law.

Statutory authority for adoption: RCW 50.12.010 and RCW 50.12.040

Is rule necessary because of a:
Federal Law? ☐ Yes ☑ No
Federal Court Decision? ☐ Yes ☑ No
State Court Decision? ☐ Yes ☑ No
If yes, CITATION:

DATE: October 01, 2013
TIME: 4:28 PM
WSR 13-20-124

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 01, 2013
TIME: 4:28 PM
WSR 13-20-124

(COMPLETE REVERSE SIDE)
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None.

Name of proponent: (person or organization) Employment Security Department

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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</thead>
<tbody>
<tr>
<td>Drafting..............</td>
<td>Juanita Myers</td>
<td>212 Maple Park, Olympia (360) 902-9665</td>
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<tr>
<td>Implementation.......</td>
<td>Juanita Myers</td>
<td>212 Maple Park, Olympia (360) 902-9665</td>
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<td>Enforcement...........</td>
<td>Neil Gorrell</td>
<td>212 Maple Park, Olympia (360) 902-9303</td>
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Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

☐ No. Explain why no statement was prepared.
The proposed rules do not have a disproportionate impact on small business.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:
  Name: Juanita Myers
  Address: Employment Security Department
  P.O. Box 9046
  Olympia WA 98507-9046
  phone (360) 902-9665
  fax (360) 902-9799
  e-mail jmyers@esd.wa.gov

☐ No: Please explain: