PROPOSED RULE MAKING

Agency: Employment Security Department

☑ Preproposal Statement of Inquiry was filed as WSR 12-15-004; or
☑ Expedited Rule Making--Proposed notice was filed as WSR ; or
☑ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

☐ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject) Implements SHB 2491 by amending WAC 192-350-010 relating to determining when predecessor-successor relationships exist for the purpose of calculating unemployment insurance tax rates, and WAC 192-350-060 relating to consequences for failure to respond to requests for information.

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

Date: November 8, 2012 Time: 10:00 a.m.

Submit written comments to:
Name: Pamela Ames
Address: P.O. Box 9046
Olympia, WA 98507-9046
e-mail: pames@esd.wa.gov
fax: (360) 902-90799 by (date) November 7, 2012

Assistance for persons with disabilities: Contact Kintu Nnambi by November 7, 2012
TTY (800) 833-6384 or (360) 725-9454

Date of intended adoption: November 13, 2012
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The amendments to WAC 192-350-010 define statutory terminology that is necessary to determine when a predecessor-successor relationship exists for the purposes of calculating unemployment insurance tax rates. The amendments to WAC 192-350-060 establish consequences for an employer’s failure to respond to requests for information.


Statutory authority for adoption: RCW 50.12.010 and RCW 50.12.040

Statute being implemented: RCW 50.29.062

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

DATE 10-2-2012
NAME (type or print) Paul Trause

SIGNATURE

TITLE Commissioner

(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>Larry Sheahan</td>
<td>212 Maple Park Ave. SE, Olympia</td>
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<tr>
<td>Implementation..</td>
<td>Larry Sheahan</td>
<td>212 Maple Park Ave. SE, Olympia</td>
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<tr>
<td>Enforcement.....</td>
<td>Nan Thomas</td>
<td>212 Maple Park Ave. SE, Olympia</td>
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Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

- [ ] Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.
  - A copy of the statement may be obtained by contacting:
    - Name:
    - Address:
    - phone ( ) ______________
    - fax ( ) ______________
    - e-mail __________________

- [x] No. Explain why no statement was prepared.
  Adoption of the proposed rules will impose at most minor costs on businesses in an industry. They are interpretive regulations which define new terms that appear in the statute. The regulations do not impose any new regulatory requirements on any employers.

Is a cost-benefit analysis required under RCW 34.05.328?

- [ ] Yes A preliminary cost-benefit analysis may be obtained by contacting:
  - Name:
  - Address:
  - phone ( ) ______________
  - fax ( ) ______________
  - e-mail __________________

- [x] No Please explain: The rules are not significant legislation rules as defined under RCW 34.05.328.