



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: July 21, 2020

TIME: 12:57 PM

WSR 20-15-139

Agency: Employment Security Department

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-18-010 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Public Records Requests: Adding WAC 192-02-010 Purpose; WAC 192-02-020 Definitions; WAC 192-02-030 Availability of public records; WAC 192-02-040 Records index; WAC 192-02-050 Purpose of requests; WAC 192-02-060 Making a request for public records; WAC 192-02-070 Records exempt from disclosure; WAC 192-02-080 Closing withdrawn or abandoned request; WAC 192-02-090 Later discovered documents; WAC 192-02-100 No duty to create records; WAC 192-02-110 Maintaining a log; WAC 192-02-120 Providing records in installments; WAC 192-02-130 Denials of requests; WAC 192-02-140 Fee schedule; WAC 192-02-150 Costs—General; WAC 192-02-160 Costs—Customized services; WAC 192-02-170 Costs—Inspection; WAC 192-02-180 Costs—Mailing; WAC 192-02-190 Payments; WAC 192-02-200 Processing payments; and WAC 192-02-210 Fee waivers

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 27, 2020	10:00 am	Telephone conference, Call (360) 407-3790 When prompted for the Conference ID number, press 51750 and then the # key	Hearing is being held remotely due to the COVID-19 pandemic

Date of intended adoption: August 28, 2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Joshua Dye
Address: P.O. Box 9046, Olympia, WA 98507-9046
Email: rules@esd.wa.gov
Fax: 844-652-7096
Other:
By (date) August 27, 2020

Assistance for persons with disabilities:

Contact Teresa Eckstein
Phone: 360-507-9890
Fax: 360-586-4600
TTY: Relay 711
Email: teckstein@es.wa.gov
Other:
By (date) August 20, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Employment Security Department is seeking to adopt public disclosure and privacy rules. These rules will update the existing procedures governing public records requests made to the Department and clarify the operation of the Department's public records office under the Public Records Act.

Reasons supporting proposal: The Employment Security Department seeks to provide clear and usable guidance for the public regarding the operations of its records office and the procedures governing public records requests made to the Department.

Statutory authority for adoption: RCW 50.12.010 and 50.12.040 provide general rulemaking authority to the Employment Security Department. RCW 50.13.030 provides specific authority for rulemaking to implement Chapter 50.13 RCW. RCW 42.56.100 provides rulemaking authority to all agencies regarding public records.

Statute being implemented: RCW 50.13.030; RCW 42.56.100

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Scott Michael	Olympia, WA	360-890-3448
Implementation:	Robert Page	Olympia, WA	360-890-3504
Enforcement:	Rebekah O'Hara	Olympia, WA	360-890-3755

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Joshua Dye

Address: P.O. Box 9046, Olympia, WA 98507-9046

Phone: 360-890-3472

Fax:

TTY:

Email: Rules@esd.wa.gov

Other: <https://esd.wa.gov/newsroom/ui-rule-making/>

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

The rule imposes no costs on employers. Instead, the rules provide clarity for requestors seeking public records from the Department.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: July 21, 2020

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature:

