



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2019

TIME: 9:34 AM

WSR 19-16-085

Agency: Employment Security Department

Subject of possible rule making: The Employment Security Department is seeking to implement public disclosure and privacy rules in accordance with requirements determined by Engrossed Senate Bill 5439 (Laws of 2019, c. 81). This rulemaking is not intended to implement SHB 1399 (2019) or update the existing procedures governing public records requests made to the department and the operation of the department's public records office under the Public Records Act, chapter 42.56 RCW, as that will be implemented through a separate rulemaking.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010 and 50.12.040 provide general rulemaking authority to the Employment Security Department. Laws of 2019, ch. 81, § 2 and RCW 50.13.030 provides the department with specific rulemaking authority regarding the privacy of the Department's records.

Reasons why rules on this subject may be needed and what they might accomplish: The Employment Security Department must implement ESB 5439 as directed by the Legislature. As part of that implementation, this rulemaking seeks to provide clear and usable guidance for the public regarding program operations including data-sharing, privacy, and other topics related to session law implementation.

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 the unemployment insurance laws so 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 rule will be shared with stakeholders as identified through the standard rulemaking process. The Employment Security Department will solicit input and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

| | |
|--|-------------------------|
| Name: Joshua Dye | (If necessary) Name: |
| Address: P.O. Box 9046 | Address: |
| Phone: 360-890-3472 | Phone: |
| Fax: 844-652-7096 | Fax: |
| TTY: Relay 711 | TTY: |
| Email: rules@esd.wa.gov | Email: |
| Web site: https://esd.wa.gov/newsroom/rulemaking/other | Web site: |
| Other: | Other: |

Additional comments:

Date: August 1, 2019

Name: Dan Zeitlin

Title: Director of Employment System Policy

Signature: