



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 23, 2019

TIME: 9:58 AM

WSR 19-03-165

Agency: Employment Security Department

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-23-028 ; 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) Modifying requirements for claimant directives to participate in reemployment services under RCW 50.20.010(1)(e), amending WAC 192-140-090.

Hearing location(s):

Date:

Time:

Location: (be specific)

Comment:

February 26, 2019

8:00 – 9:00

Employment Security
Department, 212 Maple Park
Ave. SE, Olympia, WA 98501

Maple Leaf Conference Room

Date of intended adoption: February 27, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Scott E. Michael

Address: P.O. Box 9046

Email: rules@esd.wa.gov

Fax: 360-902-9662

Other:

By (date) February 26, 2019

Assistance for persons with disabilities:

Contact Teresa Eckstein

Phone: 360-902-9354

Fax: 360-586-4600

TTY: Relay 711

Email: teckstein@esd.wa.gov

Other:

By (date) February 21, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules will amend existing rules in order to permit claimants to select the dates they will participate in reemployment services, set forth when claimants will be ineligible for unemployment benefits if they do not schedule a date to receive reemployment services, and exempts individuals in commissioner-approved training from mandatory participation in reemployment services.

Reasons supporting proposal: As set forth in Unemployment Insurance Program Letter No. 3-17 (Dec. 8, 2016), the United States Department of Labor strongly recommends unemployment agencies implement an automated scheduling service to allow claimants to self-schedule the dates they will participate in reemployment services in order to increase the number of claimants who participate in reemployment services.

Statutory authority for adoption: RCW 50.12.010, 50.12.040, 50.20.010

Statute being implemented: RCW 50.20.010(1)(e)

Is rule necessary because of a:

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

If yes, CITATION: Unemployment Insurance Program Letter 3-17 (Dec. 8, 2016)

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 E. Michael	Olympia, WA	360-902-9587
Implementation:	Kelly Lindseth	Olympia, WA	360-902-9762
Enforcement:	Julie Lord	Olympia, WA	360-902-9579

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: Scott E. Michael

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

Phone: 360-902-9587

Fax: 360-902-9662

TTY: Relay 711

Email: rules@esd.wa.gov

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

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 19.85.025(4).

Explanation of exemptions, if necessary: The proposed rule does not affect small businesses because the proposed rule only governs how reemployment services for unemployment claimants are scheduled. The proposed rule does not require small businesses to do anything or forbid a small business from doing anything. The goal of these regulations is to make it more likely a claimant can participate in reemployment services, which will make it more likely a claimant returns to work sooner, which will reduce benefit charges for all businesses, large and small, which will reduce unemployment tax rates for all businesses, large and small.

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. _____

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: January 23, 2019
Name: Daniel Zeitlin
Title: Director of Employment System Policy

Signature:
