



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 07, 2023

TIME: 11:41 AM

WSR 24-01-017

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 192-100-070 currently defines a conditional payment as an unemployment benefit paid after an individual has already received one benefit payment but "during a period in which the Department questions [the individual's] continued eligibility for benefits." More clarity is needed to objectively define the beginning and end of this period during which the Department is questioning the individual's continued eligibility for benefits. This rulemaking also combines the definitions in WAC 192-100-070 and WAC 192-120-050 into a single rule, WAC 192-100-070.

Citation of rules affected by this order:

New:

Repealed: WAC 192-120-050

Amended: WAC 192-100-070

Suspended:

Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, RCW 50.20.170.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-21-089 on October 17, 2023.

Describe any changes other than editing from proposed to adopted version: No changes were made.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Web site: <https://esd.wa.gov/newsroom/ui-rule-making/conditional-payments>

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of a nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted on the agency's own initiative:

New	Amended	<u>1</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	<u>1</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

Date Adopted: December 7, 2023

Name: Joy Adams

Title: Director, Employment System Policy & Integrity

Signature:

