

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby places into the rulemaking file an analysis of the determinations required by RCW 34.05.328(1).

Analysis

- a) 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 will also combine the definitions in WAC 192-100-070 and WAC 192-120-050 into a single rule, WAC 192-100-070.
- b) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.
- c) A cost-benefit analysis has been prepared by the Department. The cost-benefit analysis is available on the Department’s webpage.
(<https://esd.wa.gov/newsroom/rulemaking/overpayment-waivers-permanent-rulemaking>)
- d) As explained in the cost-benefit analysis, the probable benefits of the rules are greater than their probable costs, taking into account qualitative and quantitative benefits and costs.
- e) The amendments to WAC 192-120-070 and repeal of WAC 192-100-050 represent the least burdensome alternatives.
- f) The rule does not require those to whom it applies to take an action that violates the requirements of another federal or state law.
- g) The rule does not impose any performance requirements on public or private entities.
- h) This rule does not differ from any other federal regulation or statute. The Department has coordinated this rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.