



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Employment Security Department

Subject of possible rule making: Amend WAC 192-320-085, *When is an overpayment of benefits credited to an employer's account?* Adopt a new rule establishing a \$25.00 penalty for employers who omit required information relating to owners, partners, members or corporate officers on the registration form filed with the department for purposes of obtaining an employment security account number.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010 and RCW 50.12.040

Reasons why rules on this subject may be needed and what they might accomplish: WAC 192-320-085 currently provides that an employer's account is to be credited, based on a benefit overpayment determination, in the quarter the eligibility decision is made. The proposed amendment would instead apply the credit in the quarter in which the benefits were originally charged to the employer. This is more equitable to employers because it reduces the chance they will pay a higher tax rate in a previous quarter when it is later determined they deserved a credit.

WAC 192-310-070 requires employers registering with the department to provide information related to all owners, partners, members and corporate officers. The proposed \$25.00 penalty will provide an incentive for employers to provide complete information with the application.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United States Department of Labor (USDOL) reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules 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 rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can participate in the development of the rule before publication by contacting:

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Employment Security Department
P.O. Box 9046
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Fax (360) 902-9799
Email jmyers@esd.wa.gov

Please include your name, organization (if any), mailing address, email address and telephone number.

DATE
4-26-2013

NAME (TYPE OR PRINT)
Dale Peinecke

SIGNATURE

TITLE
Commissioner

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