



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Employment Security Department

- Preproposal Statement of Inquiry was filed as WSR 13-10-050 \_\_\_\_\_ ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) Amending WAC 192-320-085 to clarify when an employer's account will be credited for unemployment benefits overpayments. Amending WAC 192-310-010 to establish a penalty for employers who omit required ownership on their registration form.

**Hearing location(s):**  
Employment Security Department  
Maple Leaf Conference Room  
212 Maple Park  
Olympia, Washington

Date: October 31, 2013 Time: 10:30 a.m.

**Submit written comments to:**

Name: Pamela Ames  
Address: P.O. Box 9046  
Olympia, WA 98507-9046  
e-mail pames@esd.wa.gov  
fax (360)902-9799 by (date) October 30, 2013

**Assistance for persons with disabilities:** Contact

Kintu Nnambi by October 30, 2013

TTY ( 800) 833-6384 or (360) 725-9454

**Date of intended adoption:** November 4, 2013  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** 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.

WAC 192-310-010 establishes a \$25.00 penalty for employers who fail to provide required ownership information when registering with the department.

**Reasons supporting proposal:** The amendment to WAC 192-320-085 is more equitable because it reduces the chance an employer will pay a higher tax rate in a previous quarter when it is later determined they deserved a credit.

The amendment to WAC 192-310-010 will provide an incentive for employers to provide complete information with the application, reducing processing time.

**Statutory authority for adoption:** RCW 50.12.010 and RCW 50.12.040

**Statute being implemented:** RCW 50.20.190 and Chapter 192-12 WAC

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION: \_\_\_\_\_

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 17, 2013**

**TIME: 12:30 PM**

**WSR 13-19-077**

**DATE**  
September 17, 2013

**NAME** (type or print)  
Nan Thomas

**SIGNATURE**

**TITLE**  
Deputy Commissioner

**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..... Juanita Myers	212 Maple Park, Olympia	(360) 902-9665
Implementation....Juanita Myers	212 Maple Park, Olympia	(360) 902-9665
Enforcement..... Neil Gorrell	212 Maple Park, Olympia	(360) 902-9303

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The rules do not have a disproportionate impact on small business.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Juanita Myers

Address: Employment Security Department

P.O. Box 9046

Olympia WA 98507-9046

phone (360) 902-9665 \_\_\_\_\_

fax (360) 902-9799 \_\_\_\_\_

e-mail jmyers@esd.wa.gov \_\_\_\_\_

No: Please explain: