



# 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:** Adopt rules defining "equity and good conscience" as it pertains to the department's authority to make settlement agreements for unemployment taxes, interest, or penalties owed by an employer. Amend WAC 192-220-030 to define "equity and good conscience" for unemployment benefit overpayments consistent with new regulations adopted during this rule-making process and other statutory changes. The need for additional new and amended rules may be identified through the rule-making process.

**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:** The rules will implement Chapter 122, Laws of 2013 (Engrossed House Bill 1394) regarding the department's authority to settle unemployment taxes, interest, and penalties owed by employers. The bill will also implement only Section 4 of Chapter 189, Laws of 2013 (Senate Bill 5355) to clarify that, when determining eligibility for waiver, the department, in defining the term "equity and good conscience" must consider whether the employer or the employer's agent failed, without good cause, to respond timely or adequately to the department's written request for information.

**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 rules before publication by contacting:

Juanita Myers, Unemployment Insurance Rules Manager  
Employment Security Department  
P.O. Box 9046  
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Fax (360) 902-9799  
Email [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov)

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

**DATE**  
05-29-2013

**NAME (TYPE OR PRINT)**  
Dale Peinecke

**SIGNATURE**

**TITLE**  
Commissioner

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FILED

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**TIME:** 12:44 PM

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