

Concise Explanatory Statement Employer Address Changes

Introduction

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department's reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received¹ regarding the proposed rules and responses to the comments.

Reasons for adopting the rule

Although employers are required to keep their information up to date with the Department under RCW 50.12.070, there are currently no rules that explicitly require employers to keep their addresses up to date with the Department. This rulemaking will specify that employers must notify the Department of a change in address within 30 days of an address change. The rule clarifies that this must be done in writing and what information must be included.

Variance between proposed rule and final rule

There is no variance between the proposed and the final rule. The Department has considered the public comments and determined that no changes should be made to the rule language as set forth below.

Summary of comments to proposed rules and agency response

Public Comment	Agency Response
<p>Jo Anne Atwood, Washington State Department of Labor and Industries</p> <p>Does this new rule apply to the firm's business mailing address (where their taxes are prepared or owner's address) or also physical location addresses of their businesses? Do you require firms to notify ESD of additional business locations and potential address changes for those? Or do you rely on a business license application being submitted for them and you use that to track? Just wondering if you have another rule that provides those directives.</p>	<p>The rule applies to the employer's address(es) of record with the Department, which would include the address where the employer receives mailed notices from the Department. For some employers, this may be a physical location or a post office box or other mailing address, or more than one of these addresses. The Department's business change form includes entries for both a mailing address and a physical location, both of which must be kept up to date with the Department.</p> <p>The Department relies on an employer's business license application filed with the Department of Revenue when setting up a new employer account. However, the Department does not receive notification if an employer updates its business license application after an account has</p>

¹ One member of the public appeared at the rulemaking hearing but did not have comments on the rulemaking. The comments addressed here were submitted in writing via email.

	<p>been set up.</p> <p>Employers are required to keep their information current with the Department under RCW 50.12.070; therefore, the Department relies on employers to notify the Department of their addresses.</p>
<p>Rob Rothwell, Hometown Property Management</p> <p>As a business and employer in the State of Washington, I would like to submit some comment on the new rule proposal requiring notice of address change, in writing, within 30 days. Although I do not disagree with the need to report address changes to the State Agencies responsible for overseeing businesses, I do believe this new rule oversimplifies an unnecessarily complicated process, that could lead to businesses being in violation, not because of an unwillingness to comply, but because of lack of clarity on how to properly submit the information to be in compliance.</p> <p>My first issue with this new rule is that “in writing” is vague and antiquated. First, if the notice must be in writing, what is the form of the writing, is there a form that needs to be submitted, or is sending a letter ok, and where does the information need to be sent to. This new rule does not address any of these concerns.</p> <p>Secondly, and more importantly, why does the notice need to be in writing. Wouldn't it be easier to have a spot on the Agency website to quickly and easily submit an address change. Having the change request be able to be submitted online would make it easier for those submitting the address change and easier for the Agency to process the change. The business could accurately and quickly provide the change notice and the information could automatically be updated. This would eliminate staff time and decrease the possibility of error from staff manual entry.</p>	<p>The rule is intended to provide flexibility to employers in the way they inform the Department of an address change, as long as it is done in writing. This includes emails, letters, and faxes. The Department has a business change form which allows an employer to update its address(es). The form is available at https://esd.wa.gov/employer-requirements/employer-forms-posters-and-publications and can be submitted by email, mail, or fax.</p> <p>Developing a state-wide system for businesses to change their address with every state agency at the same time is beyond the scope of rulemaking.</p>

Finally, having changed business addresses in the past 2 years, I would say the process of updating State Agencies of an address change is unnecessarily complicated. One of the first things we did upon moving our business was try to update our address with State Agencies. This was overly complicated because of the need to update each agency individually, some agencies had to be updated before other agencies would recognize a change, and little support was available to describe, what should have been a simple process. I ended up having to call many of the agencies to figure out how to update our address and submit various forms. I believe all of the Agencies in Washington should be able to update their information from one source.

I suggest providing a place that can be accessed via the internet where a business can update their information to all of the State Agencies at one time. This makes the most sense, saves time for all parties involved, and allows updates to be made in a time efficient manner.

I suggest that before adding additional and vague burdens to Washington businesses, that you implement a process to make it easier to comply with the rule.

Emily Reisdorff, Gamut Books

Regarding the new proposal to require employers to supply address changes to the Department within 30 days, I propose that the time window be expanded to 60 days.

I work with many small businesses in both Snohomish and Skagit counties. I recognize that a change of address is critical information for the Department. But, I also recognize that, in many cases, employers are in overwhelm at the time of a location or address change. An expanded window may be more reasonable.

In addition, because most companies or

The 30-day deadline was chosen because the Department sends billing statements to employers once a month. If a business updates the Department of an address change within 30 days of the change, the business should not miss a billing statement.

An employer can use a business change form to update the Department with a new address, rather than updating the address on a quarterly report. Employers must submit tax and wage reports on a quarterly basis, but their address must be updated with thirty days of a change of address to ensure communications with the Department are sent to the correct address.

The business change form is available on the Department's website at

<p>businesses are in contact with the Department every 90 days for quarterly filing, a change of address at the time of filing the quarterly report should be available with online filing - and should be considered adequate.</p>	<p>https://esd.wa.gov/employer-requirements/employer-forms-posters-and-publications and can be submitted by email, mail, or fax.</p>
<p>Jenny Mapes, Cross Function Recovery</p> <p>My two cents (as my business is currently in the process of moving) is that we have to change DOZENS of addresses, so honestly companies will probably miss telling the ESD. I actually didn't even think of you guys, so thank you for bringing to my attention.</p> <p>As you guys are a state entity, all the State systems regarding business fundamental information should be linked up when it comes to addresses. So if we change our phone number or address with the SOS, it should automatically route down to the other State departments as an internal change request in your systems, and not be on the owner to remember all of you. We have strong computer technology these days; business owners should only have to have one state portal to rule them all.</p>	<p>Developing a state-wide system for businesses to change their address with every state agency at the same time is beyond the scope of rulemaking.</p>
<p>Joy Schaap-Farmer</p> <p>I like the simplicity of this rule, but wondered about the following situations and wanted to send some thoughts your way:</p> <ol style="list-style-type: none"> 1. Should we possibly include some language that reminds employers this is required for ANY/ALL address changes (physical address, mailing address, charge statement address, benefit mailing address, etc.)? 2. I also wondered about potentially adding a subsection that speaks to any employer who changes their mailing address to match the mailing address of a third-party 	<p>The rule applies to the employer's address(es) of record with the Department, which would include the address where the employer received mailed notices from the Department. For some employers, this may be a physical location or a post office box or other mailing address, or more than one of these addresses. The Department's business address change form includes entries for both a mailing address and a physical location, both of which employer's are required to keep up to date with the Department.</p> <p>The relationship between employers and third-party administrators and requirements for powers of attorneys third-party administrators are outside the scope of this rulemaking.</p>

representative (TPA) of some sort having an additional requirement that they must also have a POA for that TPA on file. This could reduce any potential risk for the department on those occasions when an employer changes their mailing address to a TPA without also submitting a POA naming that TPA as attorney-in-fact. (Unless we are making an assumption that if the employer changes their own mailing address to that of a TPA, they are giving tacit approval for all their employees' information to be released to that company as well??)

The commenter also mentions situations where an employer may list a third-party administrator's address as the employer's mailing address. The commenter suggests that the rule should address power of attorney designations for employer's using third-party administrators.