



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 13, 2025

TIME: 8:12 AM

WSR 25-17-030

Agency: Employment Security Department

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as WSR 25-10-035 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: WAC 192-04-170 Decision of the Commissioner—Petition for Review—Filing—Reply.

Hearing location(s): Zoom

Date: **Time:** **Location:** (be specific) **Comment:**

September 25, 2025	9:00 AM	https://esd-wa-gov.zoom.us/j/83484923269?pwd=17CR3pF5Y7S85EeFDOzTWkftRHMzcG.1 Meeting ID: 834 8492 3269 Passcode: 910930 --- One tap mobile +16469313860,,83484923269#,,,*,910930# US +13017158592,,83484923269#,,,*,910930# US (Washington DC)	
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Date of intended adoption: October 25, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Stephanie Frazee

Address: P.O Box 9046, Olympia, WA 98507-9046

Email: esdgpurules@esd.wa.gov

Fax: 844-652-7096

Other

Beginning on date of filing

By September 25, 2025 at 5:00 PM

Assistance for persons with disabilities:

Contact: Teresa Eckstein

Phone: 360-507-9890

Fax: 360-586-4600

TTY: Relay 711

Email: Teresa.eckstein@esd.wa.gov

Other

By September 18, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to make the filing requirements for the Commissioner's Review Office consistent. Under current rules, petitions for review by the Commissioner's Review Office are considered filed when they are mailed, but replies to petitions for review are considered filed when they are received by the Commissioner's Review Office. This rulemaking specifies that a reply to a petition for review must be filed in accordance with RCW 50.32.025. As a result, a reply must be mailed, rather than received by, the Commissioner's Review Office by the applicable 15-day deadline.

Reasons supporting proposal: This update makes the filing requirements for the Commissioner's Review Office more consistent. Under the amendment to the rule, petitions for review and replies that are mailed will both be treated as filed when they are mailed, rather than when they are received.

Statutory authority for adoption: RCW 34.05.220; RCW 50.12.010; RCW 50.12.040; RCW 50.32.025; RCW 50.32.070; RCW 50.32.080.

Statute being implemented: RCW 50.32.025; RCW 50.32.070.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Employment Security Department

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Stephanie Frazee	Olympia, WA	425-465-0313
Implementation	JR Richards	Olympia, WA	360-463-1079
Enforcement	JR Richards	Olympia, WA	360-463-1079

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

Name: Stephanie Frazee
Address: P.O Box 9046, Olympia, WA 98507-9046
Phone: 425-465-0313
Fax: 844-652-7096
TTY: Relay 771
Email: esdgpurules@esd.wa.gov
Other: <https://esd.wa.gov/newsroom/rulemaking>

☒ No: Please explain: This rule does not require a cost-benefit analysis because it is a procedural rule under RCW 34.05.328(5)(c)(i).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☒ [RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: This rulemaking concerns filing procedures related to agency hearings.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: August 13, 2025

Name: Joy Adams

Title: Director, Employment Security, Policy & Integrity

Signature:

