



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: July 13, 2020

TIME: 10:21 AM

WSR 20-15-067

**Agency:** Employment Security Department

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 20-08-129 ; 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:** (describe subject) Eligibility for relief from benefit charges from the COVID-19 Unemployment Account, implementing Laws of 2020, ch. 7, § 5.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
August 27, 2020	10:00am	Telephone conference, Call (360) 407-3790 When prompted for the Conference ID number, press 51750 and then the # key	Hearing is being held remotely due to the COVID-19 pandemic

**Date of intended adoption:** September 4, 2020 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Joshua Dye

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

Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)

Fax: 844-652-7096

Other:

By (date) August 26, 2020

**Assistance for persons with disabilities:**

Contact Teresa Eckstein

Phone: 360-507-9890

Fax: 360-586-4600

TTY: Relay 711

Email: [teckstein@es.wa.gov](mailto:teckstein@es.wa.gov)

Other:

By (date) August 20, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** In the 2020 Regular Session, the Legislature passed Engrossed House Bill 2965 (Laws of 2020, ch. 7), which, among other things, creates a COVID-19 unemployment account and appropriates funds into the account for the purposes of reducing specified benefit charges to eligible employers. Rules are necessary in order to establish which employers are eligible to apply for benefit charge reduction, which benefit charges are eligible to be reduced, and the process for how employers can apply for benefit charge reduction.

**Reasons supporting proposal:** Engrossed House Bill 2965 (Laws of 2020, ch. 7) directs the Employment Security Department to adopt rules regarding applications for reimbursements from the COVID-19 Unemployment Account.

**Statutory authority for adoption:**

Engrossed House Bill 2965, Laws of 2020, ch. 7, § 5

**Statute being implemented:**

Engrossed House Bill 2965, Laws of 2020, ch. 7, § 5

**Is rule necessary because of a:**

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

**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:	Scott Michael	Olympia	360-890-3448
Implementation:	Julie Lord	Olympia	360-890-3635
Enforcement:	Julie Lord	Olympia	360-890-3635

**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: Joshua Dye

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

Phone: 360-890-3472

Fax:

TTY:

Email: [Rules@esd.wa.gov](mailto:Rules@esd.wa.gov)

Other: <https://esd.wa.gov/newsroom/ui-rule-making/>

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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 \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If 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 analysis showing how costs were calculated. The rule imposes no costs on employers. Instead, the rules result in financial benefits to small businesses through lower unemployment tax rates in future years. The only cost to small businesses is the requirement to submit an application, however, this requirement is expressly dictated by statute (Laws of 2020, ch. 7, § 5(1)).

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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:

<b>Date:</b> July 13, 2020	<b>Signature:</b>  
<b>Name:</b> Dan Zeitlin	
<b>Title:</b> Employment Security Policy Director	