



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: December 13, 2021

TIME: 11:10 AM

WSR 22-01-125

Agency: Employment Security Department

Title of rule and other identifying information: (describe subject) Repealing WAC 192-190-020 - Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: WAC 192-190-020 provided clarity on how the Department deducts lump sum retirement benefit payments from unemployment benefits according to RCW 50.04.323. RCW 50.04.323 was amended in the 2021 Legislative session and lump sum retirement payments are no longer deducted from unemployment benefit payments. With this change, WAC 192-190-020 is no longer needed.

Reasons supporting proposal: In February of 2021, the Legislature passed, and the Governor signed, Engrossed Substitute Senate Bill 5061 (Chapter 2, Laws of 2021) which, among other things, amended RCW 50.04.323(3) and removed the deduction of lump sum pension or retirement benefit payments from an individual's weekly unemployment insurance benefit payment.

Statutory authority for adoption: RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department. Under RCW 50.04.323(3), lump sum payments from certain retirement plans are not deducted from the weekly benefit amount.

Statute being implemented: RCW 50.04.323(3)

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:

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Josh Dye	Olympia	360-890-3472
Implementation:	Julie Lord	Olympia	360-890-9579
Enforcement:	Julie Lord	Olympia	360-890-9579

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The expedited rule repeals WAC 192-190-020 which is no longer needed due to amendments to RCW 50.04.323 (3) that removed the deduction of retirement lump sum payments from unemployment benefit payments.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) February 23, 2022

Date: December 13, 2021	Signature: 
Name: Dan Zeitlin	
Title: Employment System Policy Director	