



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: August 11, 2023

TIME: 2:03 PM

WSR 23-17-057

**Agency:** Employment Security Department

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 23-12-009; 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 192-310-010 (What reports are required from an employer?) and WAC 192-310-050 (What records must every employer keep?)

**Hearing location(s):**

Date:	Time:	Location:	Comment:
October 5, 2023	9:00 PST	Zoom Meeting ID: 850 9179 6945 Passcode: 418099 Call in: (253) 215-8782	Join Zoom meeting: <a href="https://esd-wa.gov.zoom.us/j/85091796945?pwd=amlOam9reGdRNXhBcFcvSTJVVVTZjQT09">https://esd-wa.gov.zoom.us/j/85091796945?pwd=amlOam9reGdRNXhBcFcvSTJVVVTZjQT09</a>

**Date of intended adoption:** October 6, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Stephanie Frazee  
Address: P.O. Box 9046, Olympia, WA 98507-9046  
Email: rules@esd.wa.gov  
Fax: 844-652-7096  
Other:  
By (date) October 5, 2023

**Assistance for persons with disabilities:**

Contact: Teresa Eckstein  
Phone: 360-507-9890  
Fax: 360-507-9890  
TTY: Relay 711  
Email: Teresa.eckstein@esd.wa.ov  
Other:  
By (date) September 28, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This rulemaking will incorporate changes made by House Bill 1684 (2023), which allows, but does not require, federally recognized tribes to report to the Employment Security Department standard occupational classifications (SOC codes) and job titles for its employees in its wage reports.

**Reasons supporting proposal:** This rulemaking is necessary to incorporate HB 1684 into the Department's rules.

**Statutory authority for adoption:** RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department. RCW 50.12.070, as amended by House Bill 1684 (2023), provides authority for the Employment Security Department to adopt rules implementing House Bill 1684.

**Statute being implemented:** RCW 50.12.070, as amended by House Bill 1684 (2023)

**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.

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Employment Security Department

Name of agency personnel responsible for:		
Name	Office Location	Phone
Drafting: Stephanie Frazee	Olympia, WA	425-465-0313
Implementation: J.R. Richards	Olympia, WA	360-463-1079
Enforcement: J.R. 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: rules@esd.wa.gov  
Other: <https://esd.wa.gov/newsroom/rulemaking/>  
 No: Please explain:

**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:
- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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:

**(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 This rulemaking will not impose costs because it does not require businesses to take any action. Federally recognized tribes may report SOC codes and job titles to the Department but are not required to do so.
- 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 9, 2023

**Name:** Joy Adams

**Title:** Acting Director, Employment Security and Policy Integrity Division

**Signature:**

