



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 27, 2023

TIME: 1:46 PM

WSR 23-14-051

Agency: Employment Security Department

Subject of possible rule making:

This rulemaking will consider the benefits of allowing conditional payments to be eligible for waivers, expanding the opportunity for certain claimants to apply for waivers, and permanently adopting U.S. Department of Labor (USDOL) approved blanket waivers.

Statutes authorizing the agency to adopt rules on this subject:

RCW 50.20.190, RCW 50.24.020, RCW 50.12.010 and RCW 50.12.040

Reasons why rules on this subject may be needed and what they might accomplish:

This rulemaking will consider permanently adopting the Department's overpayment waiver emergency rules in order to ensure the Overpayment Waiver project can be completed. This will also provide an opportunity to consider any new USDOL-approved waivers.

The current overpayment waiver emergency rules are valid through July 24, 2023. These rules need to be extended so that applications received after July 24, 2023 can be processed using the rules. This rulemaking begins the process of considering permanent adoption of those rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The USDOL reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Stephanie Frazee

Address: P.O. Box 9046

Phone: 425-465-0313

Fax: 844-652-7096

TTY: Relay 711

Email: Rules@esd.wa.gov

Web site: <https://esd.wa.gov/newsroom/rulemaking/>

Other:

(If necessary)

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

Additional comments:

Date: June 27, 2023

Name: Joy Adams

Title: Employment Systems Policy Director

Signature:

A handwritten signature in black ink, appearing to read "Joy Adams", written in a cursive style.