



Implementation Plan Overpayment Waiver Permanent Rulemaking

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby describes its implementation plan for its overpayment waiver permanent rulemaking.

Plan to implement and enforce the rule

The rulemaking permanently adopts the Department's emergency rules on overpayment waivers and would also allow waiver of overpayments for claimants resulting from conditional benefits and for claimants whose overpayments resulted from a discharge for misconduct during the pandemic period, from February 2, 2020, through September 4, 2021.

This rulemaking makes permanent the Department's emergency rules regarding overpayment waivers. The emergency rules have been in effect since March 29, 2023. The Department has been processing overpayment waivers since that date. Under the permanent rules, the Department will continue processing pending overpayment waiver applications, and additional claimants may be eligible for waivers. Implementation efforts have involved technology upgrades, outreach, training, and staffing. The rule proposal would add only negligible additional costs for the Department to implement. The Department already reviews overpayment waiver requests and has systems in place to grant or deny those requests. However, up to 8.6 FTEs, job classification ES Benefits Specialist 2, may be needed to process currently pending and future overpayment waiver applications.

The Department has already received \$11,976,000 from the Legislature (see ESSB 5187) to create a dedicated team of staff to process the unemployment insurance overpayment caseload backlog.

Plan to inform and educate affected persons about the rule

The Department will share rules with stakeholder groups through the Department's online distribution lists. The Department will also engage in outreach such as eServices notices and letters to alert claimants to these rule changes.

Plan to promote and assist voluntary compliance

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rule.

Plan to evaluate whether the rules achieve the purpose for which they were adopted

The Department will continue to track potentially eligible claimants, pending and processed overpayment waiver applications, and overpayment amounts waived to evaluate the effectiveness of this rulemaking.