

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby places into the rulemaking file an analysis of the determinations required by RCW 34.05.328(1).

Analysis

- a) RCW 50.20.190(2) permits the Department to waive benefit overpayments when collecting the overpayments would be unfair. The Department's current overpayment waiver emergency rules promote fair treatment of claimants who are overpaid benefits and must be adopted as permanent rules so that all applications can be processed under those rules. Additionally, in order to expand the availability of overpayment waivers to individuals impacted by the pandemic, the eligibility for waiver of overpayment should be extended to claimants who have an overpayment because they were discharged for misconduct during the pandemic period.
- b) A cost-benefit analysis has been prepared by the Department. The cost-benefit analysis is available on the Department's webpage.
(<https://esd.wa.gov/newsroom/rulemaking/overpayment-waivers-permanent-rulemaking>)
- c) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.
- d) The amendments to WACs 192-220-017, 192-220-018, and 192-220-080 represent the least burdensome alternative.
- e) The rule does not require those to whom it applies to take an action that violates the requirements of another federal or state law.
- f) The rule does not impose any performance requirements on public or private entities.
- g) This rule does not differ from any other federal regulation or statute.
- h) The Department has coordinated this rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.