



PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 15, 2023

TIME: 10:23 AM

WSR 23-05-104

Agency: Employment Security Department

Subject of possible rule making: The Employment Security Department is engaging in rulemaking regarding the length of time a claimant is indefinitely denied benefits due to a failure to respond to a request for information.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010 and RCW 50.12.040 provide general rulemaking authority to the Employment Security Department. RCW 50.20.010 defines benefit eligibility conditions for unemployment benefits.

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

Currently, WAC 192-140-035 states that if an unemployment insurance claimant does not respond to a request for information, they are denied benefits "indefinitely" until they respond to the Department's request for information. The Department is considering whether to replace the "indefinite period of time" timeframe in current rule with a shorter and more defined timeframe.

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

The U.S. Department of Labor 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) Draft rules will be shared with the public and stakeholders. The Department will solicit input from all parties and consider all comments in the development of final rules.

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

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Additional comments:

Date: February 15, 2023

Name: Dan Zeitlin

Title: Employment Security Policy Director

Signature: