



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: October 24, 2022

TIME: 1:33 PM

WSR 22-22-028

Agency: Employment Security

Subject of possible rule making: Defining the beginning and end period for conditional payments

Statutes authorizing the agency to adopt rules on this subject: 50.12.010; RCW 50.12.040; and RCW 50.20.170.

Reasons why rules on this subject may be needed and what they might accomplish: WAC 192-100-070 currently defines a conditional payment is an unemployment benefit paid after an individual has already received one benefit payment but "during a period in which the Department questions [the individual's] continued eligibility for benefits." More clarity is needed to objectively define the beginning and end of this period in which the Department is questioning the individual's continued eligibility for benefits.

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 the U.S. Department of Labor 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: October 24, 2022

Name: Dan Zeitlin

Title: Employment System Policy Director

Signature: