



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Employment Security Department

Subject of possible rule making: WAC 192-320-036, regarding determining tax rates for employers who are delinquent on taxes or reports.

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

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

RCW 50.29.010 gives the Commissioner the authority to waive the delinquent tax rate when an otherwise qualified employer acts in good faith and application of the delinquent tax rate would be inequitable. This rule-making process will replace the current rule defining good faith and inequity with a more flexible, totality of the factors approach. This rule-making process will also clarify the Department's authority to retroactively apply the delinquent tax rate.

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 with federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulation 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) The proposed rule will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all comments in the development of the final rule.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can participate in the formulation of the proposed rule before publication by contacting:

Juanita Myers, Agency Rules Coordinator
Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046
Fax (360) 902-9605
Email jmyers@esd.wa.gov

Please include your name, organization (if any), mailing and/or email address, and telephone number.

DATE
January 31, 2017

NAME (TYPE OR PRINT)
Dale Peinecke

SIGNATURE

TITLE
Commissioner

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