

PROPOSED RULEMAKING HEARING

DATE: 10-24-19

TIME: 8:00 A.M.

PLACE: Employment Security Department
212 Maple Park Avenue SE
Olympia, WA 98501

PRESENT: Scott Michael

Legal Services Coordination Manager

Joshua Dye, MPA

Legal Appeals and Rules Coordinator

1 MR. MICHAEL: Well, we are officially at
2 8:00 o'clock.

3 MR. DYE: Pursuant to authority given under
4 Washington state law, this hearing is hereby convened.

5 For the record, this hearing is beginning
6 at 8:00 a.m., on October 24th, 2019, at the Employment
7 Security Department, 212 Maple Park Avenue, Olympia,
8 Washington.

9 This hearing is convened to consider
10 testimony concerning: (1) Rules related to backdating
11 applicants for standby status; and (2) rules related
12 to pension deductions from unemployment benefits.

13 Notice of this hearing was published in the
14 *Washington State Register* on October 2nd, 2019, as WSR
15 19-19-031, and WSR 19-19-065, and sent to interested
16 parties via the Department's Gov delivery system.

17 My name is Josh Dye and I'm the Legislation
18 and Rules Coordinator for the Washington State
19 Employment Security Department's Legal Services Unit.
20 I represent Commissioner Suzan Levine as Hearing
21 Officer, presiding at this public rule making hearing.

22 There's other staff from the Employment
23 Security Department attending this hearing. Please
24 introduce yourself.

25 MR. MICHAEL: Scott Michael, Legal Services

1 Coordination Manager.

2 MR. DYE: All right.

3 If anybody joins us, please sign the
4 hearing attendance log. Be sure to provide all
5 information requested and fill-in all of the blanks.
6 The attendance log is kept as a permanent record of
7 this hearing.

8 Please be advised that this hearing is
9 being transcribed and the transcript will become part
10 of the official rule-making file.

11 This hearing is convened to consider
12 written submissions and oral testimony presented on
13 the proposals. A concise explanatory statement of the
14 Agency's reasons for adoption of the rules, including
15 a summary and response to all comments received for
16 each rule, will be sent to all requesting and
17 commenting parties and placed in the permanent
18 rule-making file.

19 A concise explanatory statement for each
20 rule will also be published on the Agency's
21 rule-making webpage, which is
22 WWW.ESD.WA.Gov/newsroom/rulemaking.

23 For a brief explanation of the proposed
24 rules:

25 (1) Backdating standby: Standby means the

1 claimant is temporarily unemployed because of a lack
2 of work but expects to return to work with their
3 regular employer within four weeks; expects to begin
4 full-time work with a new employer within two weeks;
5 or is temporarily unemployed due to a natural
6 disaster.

7 The amendments address circumstances when
8 claimants should be allowed to backdate applications
9 for standby after employees confirm an expected
10 return-to-work date.

11 Requests may be backdated for one week for
12 any reason or for any number of weeks at the
13 convenience of the Department.

14 (2) Pension deductions: Under current
15 rules, retirement payments are deducted from maximum
16 payable benefits -- benefits payable. The proposed
17 rules will deduct retirement benefits from weekly
18 benefit amounts addressing circumstances when
19 claimants are seeing delays and exhausting benefits.

20 We will now hear testimony from those in
21 attendance concerning the proposals.

22 Please state your name, spelling your last
23 name, and if you are here on behalf of a company or an
24 organization, who you represent, and to which proposed
25 rules you're addressing.

1 If you wish to provide testimony for both
2 proposals, please clearly identify which testimony is
3 intended for which proposal.

4 And we'll open it up to public comment.

5 (No one present or signed in on
6 the attendance log.)

7 MR. MICHAEL: Why don't we go off the
8 record.

9 (The record was open for public
10 comment from 8:04 to 8:59 a.m.)

11 MR. MICHAEL: Back on the record.

12 MR. DYE: If there is no further testimony,
13 this hearing was convened -- check that.

14 All oral testimony presented at this
15 hearing and its submissions will become part of the
16 official record.

17 The deadline for submitting written
18 comments was October 23rd, 2019.

19 A final decision regarding adoption of this
20 proposed rule making will be made after all testimony
21 and written comments have been considered, with target
22 dates of January 10, 2020, for backdating standby, and
23 December 6th, 2019, for pension deductions.

24 On behalf of Commissioner Suzan Levine,
25 thank you for participating in this hearing.

1 This hearing is adjourned at 8:59 a.m. on
2 October 24th, 2019.

3 (End of hearing.)
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