



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: WACs 192-04-040, 192-04-060, and 192-04-175. The department is clarifying the rules related to the Commissioner's review of decisions issued by the office of administrative hearings.

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: The amendment to WAC 192-04-175 will establish the circumstances under which an individual designated by the Commissioner may, as an interested party, direct the Commissioner's review office to take a decision issued by the office of administrative hearings under advisement. Other changes to rules are made for purposes of clarity and ease of administration. WAC 192-04-063 will be repealed.

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 unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

The Office of Administrative Hearings issues initial orders for unemployment insurance appeals and petitions for hearing filed by claimants and employers. The OAH will be provided the opportunity for comment prior to adoption of these rules.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The Employment Security Department welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, ESD will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the distribution list and to anyone who requests a copy.

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

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Juanita Myers, Unemployment Insurance Rules Coordinator
Employment Security Department
PO Box 9046
Olympia WA 98507-9046

Phone: (360) 902-9665
FAX: (360) 902-9799
E-mail: jmyers@esd.wa.gov

DATE
3/17/2010

NAME (TYPE OR PRINT)
Paul Trause

SIGNATURE
Paul Trause

TITLE
Deputy Commissioner

CODE REVISER USE ONLY

CODE REVISER
STATE OF WASHINGTON

MAR 23 2010

TIME 4:28 AM

WSR 10-07-144