



# 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:** Adopt rules in Chapter 192-320 WAC, Experience Rating and Benefit Charging, to implement Section 3 of Senate Bill 5355. The bill provides that employers are not eligible for relief of unemployment benefit charges to their account if the employer fails to respond timely or adequately to a written request for information from the department and has established a pattern of such failures. The need to amend or repeal existing rules may be identified through the rule-making process.

**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 rules will implement Chapter 189, Laws of 2013 (Senate Bill 5355) related to ineligibility of an employer for relief of benefit charges under certain circumstances. The topics for rule-making that have been identified to date include definition of the terms "timely" and "good cause," what constitutes a "pattern" event, what constitutes a "written request" for information, and the treatment of amended or adjusted reports. Other topics will be identified through the rule-making process.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The United States Department of Labor (USDOL) reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules 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 rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

**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 development of the rules before publication by contacting:

Juanita Myers, Unemployment Insurance Rules Manager  
Employment Security Department  
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Fax (360) 902-9799  
Email [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov)

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

**DATE**  
05-31-2013

**NAME (TYPE OR PRINT)**  
Dale Peinecke

**SIGNATURE**

**TITLE**  
Commissioner

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