



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Employment Security Department

Preproposal Statement of Inquiry was filed as WSR 09-15-013 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 192 WAC. This filing reflects a general update of rules related to eligibility for unemployment insurance benefits. Topics include definition of terms, processing benefit claims, notices to employers, reporting requirements, job separations, availability for work, job search requirements, deductions from benefits, training, and educational employment.

Hearing location(s):
Commissioner's Conference Room, 2nd Floor
Employment Security Department
212 Maple Park Drive
Olympia, Washington

Date: April 22, 2010 Time: 1:30 p.m.

Submit written comments to:

Name: Pamela Ames
Address: PO Box 9046
Olympia WA 98507-9046
e-mail pames@esd.wa.gov
fax (360)902-9799 by (date) April 21, 2010

Assistance for persons with disabilities: Contact

Tammy Crawford by April 20, 2010
TTY (360) 902-9569 or (360) 902-9577

Date of intended adoption: April 29, 2010
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rules primarily convert existing policy to rule, update and readopt rules in chapters with appropriate subject matter headings, and delete obsolete references. Amended rules are: WAC 192-110-050 updates the process for reopening a claim; WAC 192-130-065 provides that employer notices will be mailed to the address provided by the employer rather than the claimant; WAC 192-130-070 deletes obsolete dates; WAC 192-140-005 updates procedures for filing weekly benefit claims; WAC 192-140-010 updates provisions related to the security of a claimant's personal identification number; WAC 192-140-100 updates procedures for claimant's failure to respond to a request for information regarding a discharge from work; WAC 192-150-150 is revised for clarity; WAC 192-180-010 provides that posting an online resume does not qualify as an employer contact for purposes of meeting the job search requirements; WAC 192-180-013 is revised to state that employees who have their hours reduced by more than 60% must make an active search for work; WAC 192-180-015 instructs claimants on tracking job search activities where there is no direct employer contact (such as online); WAC 192-180-025 is revised for clarity; WAC 192-200-005 is revised to eliminate duplicative language; WAC 192-200-030 is revised to provide that the definition of full-time training is subject to the department's discretion; and WACs 192-230-020 and 192-250-045 contain technical changes only. Chapters 192-16, 192-17, and 192-23 are repealed. WACs 192-12-142, 151, 153, 154, 155, 160, 170, 173, and 365 are also repealed. Significant new rules are: WAC 192-110-150, providing that an individual with power of attorney may not apply, certify or testify in lieu of the claimant on matters related to eligibility for unemployment benefits; WAC 192-170-080 updates the policy related to leaves of absence for UI claimants; WAC 192-170-090 specifies how eligibility for benefits will be determined for incarcerated claimants; and WACs 192-210-001 and 045 relate to eligibility for benefits of educational employees.

Statutory authority for adoption: RCW 50.12.010, 50.12.040 and 50.20.010

Statute being implemented: Title 50 RCW

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION: Yes No

DATE

2-23-10

NAME (type or print)

Karen F. Lee

SIGNATURE

TITLE

Commissioner

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 STATE OF WASHINGTON
 FILED

APR 1 2010

TIME 11:18 AM
 W/SR 10-06-084

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Employment Security Department

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Juanita Myers	212 Maple Park, Olympia	(360) 902-9665
Implementation..... Nan Thomas	212 Maple Park, Olympia	(360) 902-9303
Enforcement..... Nan Thomas	212 Maple Park, Olympia	(360) 902-9303

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No. Explain why no statement was prepared.

Analysis indicates the proposed rules will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Juanita Myers
Address: Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

phone (360) 902-9665 _____
fax (360) 902-9799 _____
e-mail jmyers@esd.wa.gov _____

No: Please explain: