

Unemployment Insurance Rules Meeting, 4/22/10

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EMPLOYMENT SECURITY DEPARTMENT
STATE OF WASHINGTON

TRANSCRIPT OF PROCEEDINGS
of
UNEMPLOYMENT INSURANCE RULES MEETING
UNEMPLOYMENT INSURANCE ELIGIBILITY

Date and Location

April 22, 2010	Employment Security Department
Thursday, 1:30 p.m.	Commissioner's Conference Room
	212 Maple Park
	Olympia, Washington

BE IT REMEMBERED, that a rules meeting was held on the date and location as set forth above. The Employment Security Department was represented by Pamela Ames, Rules Coordinator, and Juanita Myers, Rules Coordinator.

Reported by:
Cheryl A. Smith, CCR, CVR
(License #3017)

EXCEL COURT REPORTING
16022-17th Avenue Court East
Tacoma, WA 98445-3310
(253) 536-5824

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1 I N D E X

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PROCEEDINGS

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welcome and Introductions

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MS. AMES: Pursuant to the authority given under the Washington State law, this hearing is hereby convened. For the record, this hearing is beginning at 1:39 p.m. on April 22, 2010, at 212 Maple Mark Drive, Olympia Washington.

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This hearing is convened to consider testimony concerning the rule-making proposal to adopt and amend rules encompassing a general update of rules related to eligibility for unemployment insurance benefits.

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Notice of this hearing was published in the Washington State Register on March 17,2010, as WSR 10-06-084 and sent to interested parties.

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My name is Pamela Ames, and I'm the rules coordinator for the Washington State Employment Security Department. And I represent commissioner Karen Lee as hearing officer presiding at this public rule-making hearing.

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I noticed that you've all signed in on the attendance log. And that will be kept as a permanent record of this hearing.

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There is Employment Security Department staff attending this hearing, so if you could introduce

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1 yourself.

2 MS. MYERS: Juanita Myers. I am the rules
3 coordinator for the Unemployment Insurance Division.

4 MS. AMES: So please be advised that this hearing is
5 being recorded and the transcript will become a part of
6 the official rule-making file.

7 when the rule is adopted, a concise explanatory
8 statement of the Agency's reasons for adopting the rule,
9 including a summary and response to all comments received,
10 will be placed in the permanent rule-making file, and
11 copies will be available upon request. You should let
12 Juanita know if you desire to review any written
13 submissions received to date or receive a copy of the
14 Agency's concise explanatory statement.

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16 Discussion on Rules

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18 MS. AMES: It's time to begin. We will begin with
19 Juanita with a brief explanation of the proposal.
20 Juanita.

21 MS. MYERS: The Department is adopting rules that
22 reflect a general update of rules related to eligibility
23 for unemployment insurance benefits. The majority of the
24 rules in this filing are clarifications of existing rules
25 or rules that convert existing policy to rules.

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1 As recommended in the Administrative Procedures Act,
2 the conversion of policy to rules is intended to provide
3 transparency to the public concerning the decision-making
4 process undertaken by the Department when determining an
5 individual's eligibility for benefits. Rule-making topics
6 include the definition of terms, processing benefit
7 claims, notices to employers, reporting requirements,
8 job-research requirements, availability for work, job
9 separations, deductions from benefits, training in
10 employment for educational institutions. Amendments to
11 the existing rules and new rules that reflect significant
12 policy changes are outlined on the CR-102 proposed
13 rule-making order that was distributed.

14 Normally I go through each of the rule changes, but
15 not today just because of their length. So if you have
16 concerns about the additional -- about particular rules,
17 please feel free to address those when we get to that
18 portion of the hearing.

19 The Department has determined that changes to other
20 rules or statutes would not achieve the same regulatory
21 objective. The language of the proposed rules has been
22 shared with the US Department of Labor. There are no
23 other state agencies that deal with the subject matter of
24 these regulations. The Department has chosen a

25 reasonable, cost-effective manner of achieving the

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1 regulatory objective of the rules. There are no
2 anticipated environmental consequences associated with the
3 rules. Specifying performance standards is not
4 appropriate for the rules. The proposed regulations do
5 not impose more than minor costs on business. Cost
6 benefit analysis is available for those who request a
7 copy. Input was solicited from stakeholders during the
8 development of the proposed regulations, and all input has
9 been considered.

10 MS. AMES: Thank you, Juanita.

11 Now is the portion of the hearing where we hear
12 testimony from those logged in attendance concerning the
13 proposal. And I notice neither one of you said you wanted
14 to give testimony, but I'm sure you would like to -- you
15 may want to provide some sort of comment. So if you wish
16 to comment, please state your name and who you represent
17 so that we can get that entered into the record. Do
18 either of you want to present any or ask any questions?

19 MR. LEHMAN: My name is Ross Lehman with Human
20 Resources Services Northwest. I've got some notes here
21 from people who know more about it than I do in my office.
22 And more just clarification.

23 MS. MYERS: If you would prefer, you can submit those
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24 to us in writing. You can give me the written copy if
25 that would be easier for you rather than going through

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1 each one of them verbally at the hearing. You can submit
2 those as your written comments.

3 MR. LEHMAN: That's fine. I've got your address.

4 MS. AMES: Unless you need some clarification before
5 you submit them.

6 MR. LEHMAN: No. We don't have any issues with any
7 of these things really except for clarification.

8 MS. MYERS: And we can make a copy for you before you
9 leave.

10 MR. LEHMAN: I've got --

11 MS. MYERS: You've got copies?

12 MR. LEHMAN: Yeah.

13 MS. MYERS: This is a copy available for me? Okay.
14 wonderful.

15 MS. AMES: Any other comments or testimony?

16 MR. LEHMAN: That would really say everything we want
17 to say.

18 MS. MYERS: Okay. Thank you.

19 MS. AMES: Did you want to review that at all and ask
20 clarifying --

21 MS. MYERS: Not at this point. If I have questions,
22 I can call.

23 MS. AMES: All right. That would be great. That
24 certainly makes it short.

25 Is there any other further testimony concerning the

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1 proposed rule making before I conclude the hearing?

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3 Conclusion

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5 MS. AMES: To reiterate, this hearing was convened to
6 consider testimony concerning the rule-making proposal to
7 adopt and amend rules encompassing a general update of
8 rules related to eligibility for unemployment insurance
9 benefits. All oral testimony presented at this hearing
10 and written submissions will become part of the official
11 record. The deadline for submitting written comment was
12 April 21, 2010, but yours was submitted here.

13 A final decision regarding adoption of this proposed
14 rule making will be made after all testimony and written
15 comments have been considered with a target date of
16 April 29, 2010.

17 On behalf of commissioner Karen Lee, thank you for
18 participating in this hearing. And the hearing is
19 adjourned at 1:45.

20 (Whereupon, proceedings
21 adjourned at 1:45 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
County of Pierce) ss.

I, Cheryl A. Smith, a Certified Court Reporter in and for the State of Washington, do hereby certify:

That the foregoing transcript of proceedings was taken before me and transcribed under my direction; that the transcript is an accurate transcript of the proceedings insofar as proceedings were audible, clear and intelligible; that the proceedings and resultant foregoing transcript were done and completed to the best of my abilities for the conditions present at the time of the proceedings;

That I am not a relative, employee, attorney or counsel of any party in this matter, and that I am not financially interested in said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand on this 1st day of May, 2010, at Auburn, Washington.

Cheryl A. Smith, CCR, CVR
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16022-17th Avenue Court East
Tacoma, WA 98445

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