



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: In order to implement SHB 2491, amend WAC 192-350-010, which relates to determining when predecessor-successor relationships exist for the purpose of calculating unemployment insurance tax rates, and WAC 192-350-060, to address consequences for failure to respond to requests for information.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010 and 50.12.040

Reasons why rules on this subject may be needed and what they might accomplish: SHB 2491 was enacted in 2012 and establishes new criteria to be used in determining when a predecessor-successor relationship exists for the purpose of calculating tax rates. Amendments to WAC 192-350-010 will define statutory terminology which is central to the decision making process that must take place for the department to implement the new law. Amendments to WAC 192-350-060 will establish consequences for failure to respond to requests for information.

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) 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:

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

Interested parties can participate in the decision to adopt new rules and the formulation of proposed rules before publication by contacting:

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Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046
Fax (360) 902-9799
Email jmyers@esd.wa.gov

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

DATE
July 5, 2012

NAME (TYPE OR PRINT)
Paul Trause

SIGNATURE

TITLE
Commissioner

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TIME: 2:59 PM

WSR 12-15-004