

WSR 23-23-080

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed November 13, 2023, 1:37 p.m.]

Title of Rule and Other Identifying Information: WAC 192-220-070
Cross-reference cleanup.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend WAC 192-220-070 to remove a cross reference to RCW 50.12.070 (2)(c). In 2013, the legislature amended RCW 50.12.070, and subsection (2)(c) was removed from the statute. The substance of RCW 50.12.070 (2)(c) was moved to subsection (2)(b). Thus, the cross reference in WAC 192-220-070 should be updated to reference RCW 50.12.070 (2)(b).

Reasons Supporting Proposal: The proposal is needed to update WAC 192-220-070 so that it references the correct section in RCW 50.12.070.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.12.070.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Lawrence Larson, Olympia, Washington, 360-890-3460; Implementation and Enforcement: JR Richards, Olympia, Washington, 360-463-1079.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate because the proposed rule changes only correct a cross reference and make no substantive changes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lawrence Larson, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3460, fax 844-652-7096, email rules@esd.wa.gov, TTY relay 711, AND RECEIVED BY January 23, 2024.

November 14, 2023

Joy Adams

Employment Security Acting Policy Director

OTS-5081.1

AMENDATORY SECTION (Amending WSR 07-23-128, filed 11/21/07, effective 1/1/08)

WAC 192-220-070 Overpayments under RCW 50.12.070 (2) (~~(e)~~) (b). You are not required to repay benefits improperly paid to you because an employer failed to correctly report your wages or hours and a later correction results in a lower benefit amount or your claim becomes invalid. However, you remain liable for any overpayment assessment resulting from an eligibility decision issued before your claim became invalid that has become final.