

WSR 21-23-100
EXPEDITED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed November 17, 2021, 7:59 a.m.]

Title of Rule and Other Identifying Information: Updating a cross-reference in WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 192-110-150 currently references RCW 9A.72.085. Chapter 232, Laws of 2019, (SSB 5017) repealed RCW 9A.72.085, effective July 1, 2021, and replaced all statutory references to RCW 9A.72.085 with references to chapter 5.50 RCW. This proposal would similarly replace the reference to RCW 9A.72.085 with a reference to chapter 5.50 RCW.

Reasons Supporting Proposal: Current rules refer to a now repealed statute. The reference should be corrected statutes that are currently in effect.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD).

Statute Being Implemented: Chapter 232, Laws of 2019; RCW 50.20.140 (3), (4).

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

Name of Proponent: ESD, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Michael, Olympia, 360-890-3448; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

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

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule replaces a reference to a repealed statute with a reference to the set of statutes that replaced the repealed statute.

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 Josh Dye, ESD, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, TTY relay 711, AND RECEIVED BY January 18, 2022.

November 17, 2021
Dan Zeitlin
Employment System Policy
and Integrity Director

OTS-3420.1

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf? No. ((RCW 9A.72.085)) Chapter 5.50 RCW requires that an oath, certification, verification or declaration must be signed or sworn to by the person making it. (Exception: An estate executor or administrator may file a claim for the last completed calendar week prior to a claimant's death.)

(1) You are required to personally certify on your initial application for benefits and weekly claims that the information provided to the department is correct.

(2) An individual with power of attorney may not testify in your place in any adjudicative proceeding. Such individual may file an appeal on your behalf if he or she provides the department with a copy of the document granting him or her power of attorney. Such individual may also be called as a witness on your behalf or assist with the preparation of your case but you must provide sworn testimony in support of your appeal.

(3) An agent with power of attorney may not otherwise act on your behalf when statutes or regulations specifically or implicitly require your signature or personal certification.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-110-150, filed 5/12/10, effective 6/12/10.]