

WSR 22-01-125

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed December 13, 2021, 11:10 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 192-190-020 Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 192-190-020 provided clarity on how the department deducts lump sum retirement benefit payments from unemployment benefits according to RCW 50.04.323. RCW 50.04.323 was amended in the 2021 legislative session and lump sum retirement payments are no longer deducted from unemployment benefit payments. With this change, WAC 192-190-020 is no longer needed.

Reasons Supporting Proposal: In February of 2021, the legislature passed, and the governor signed, ESSB 5061 (chapter 2, Laws of 2021) which, among other things, amended RCW 50.04.323(3) and removed the deduction of lump sum pension or retirement benefit payments from an individual's weekly unemployment insurance benefit payment.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. Under RCW 50.04.323(3), lump sum payments from certain retirement plans are not deducted from the weekly benefit amount.

Statute Being Implemented: RCW 50.04.323(3).

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Josh Dye, Olympia, 360-890-3472; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

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

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule repeals WAC 192-190-020 which is no longer needed due to amendments to RCW 50.04.323(3) that removed the deduction of retirement lump sum payments from unemployment benefit payments.

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, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, TTD [TDD] relay 711, AND RECEIVED BY February 23, 2022.

December 13, 2021

Dan Zeitlin

Employment System Policy Director

OTS-3514.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-190-020      Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)?