

WSR 23-23-076

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed November 13, 2023, 9:52 a.m.]

Subject of Possible Rule Making: The employment security department (department) currently runs three programs: State unemployment insurance, WA Cares, and paid family and medical leave. As part of its duties, the department receives payments from employers for each program. This rule making will address how payments will be allocated across these programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, 50.24.010, 50A.10.030, 50A.05.060, 50B.04.020, 50B.04.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently runs three programs: State unemployment insurance, WA Cares, and paid family and medical leave. As part of its duties, the department receives payments from employers for each program. Occasionally, a payment is sent to the department that does not indicate what program(s) the payment was intended for. There are currently no rules addressing how employer payments are allocated across these programs. Therefore, the department is engaging in rule making to add rules that will address how payments will be allocated across these programs.

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 unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lawrence Larson, P.O. Box 9046, phone 360-890-3460, fax 844-652-7096, TTY relay 711, email Lawrence.larson@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

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