

WSR 24-16-123

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 6, 2024, 11:01 a.m., effective September 6, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: 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. Occasionally, an employer sends a payment to the department without indicating which program(s) the payment was intended for, and the department is unable to make contact with the employer. There are currently no rules addressing how employer payments are allocated across these programs in these situations. Therefore, the department is adopting new rules that address how payments will be allocated across these programs.

Citation of Rules Affected by this Order: New WAC 192-03-010 and 192-03-020.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.24.010, 50A.05.060, 50A.10.030, 50B.04.020, 50B.04.080.

Adopted under notice filed as WSR 24-09-025 on April 10, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2024.

Joy Adams
Employment System Policy Director

OTS-5211.1

Chapter 192-03 WAC
EMPLOYER PAYMENT ALLOCATION

NEW SECTION

WAC 192-03-010 Employer payment. (1) When an employer makes a payment to a program under Title 50, 50A, or 50B RCW, the full amount of the payment will be allocated to the program listed by the employer.

(2) If the program for which the payment is intended is not clear, the department will make a reasonable attempt to contact the employer to determine how the payment should be applied.

(3) If the department is unsuccessful in contacting the employer, the department will investigate if the employer has any outstanding debts to any of the programs referenced in subsection (1) of this section. If money is owed to one or more programs, then the payment will be deposited in the following order of priority:

- (a) To Title 50 RCW, if money owed to this program; then
- (b) To Title 50A RCW, if money owed to this program; then
- (c) To Title 50B RCW, if money owed to this program.

NEW SECTION

WAC 192-03-020 Credits between programs. If an employer has a credit within one program, the credit can only be applied to another program under Title 50, 50A, or 50B RCW, at the request of the employer.