

WSR 22-22-028

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 24, 2022, 1:33 p.m.]

Subject of Possible Rule Making: Defining the beginning and end period for conditional payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.20.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 192-100-070 currently defines a conditional payment as an unemployment benefit paid after an individual has already received one benefit payment, but "during a period in which the Department questions [the individual's] continued eligibility for benefits." More clarity is needed to objectively define the beginning and end of this period in which the department is questioning the individual's continued eligibility for benefits.

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 Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking>.

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