

WSR 23-05-104

PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed February 15, 2023, 10:23 a.m.]

Subject of Possible Rule Making: The employment security department (department) is engaging in rule making regarding the length of time a claimant is indefinitely denied benefits due to a failure to respond to a request for information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the department. RCW 50.20.010 defines benefit eligibility conditions for unemployment benefits.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, WAC 192-140-035 states that if an unemployment insurance claimant does not respond to a request for information, they are denied benefits "indefinitely" until they respond to the department's request for information. The department is considering whether to replace the "indefinite period of time" time frame in current rule with a shorter and more defined time frame.

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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