

WSR 24-04-063

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 1, 2024, 10:15 a.m.]

Original Notice.

Expedited Rule Making—Proposed notice was filed as WSR 23-23-080.

Title of Rule and Other Identifying Information: WAC 192-220-070 Overpayments under RCW 50.12.070 (2)(c).

Hearing Location(s): On April 12, 2024, at 9:00 a.m., via Zoom https://esd-wa-gov.zoom.us/j/83024151163?pwd=U3VkQmJNbk1ZdEdBMVk4SXlUOTBMdz09, Meeting ID 830 2415 1163, Pass-code 693100; or call in +12532158782,,83024151163#,,,,*693100# US (Tacoma), +12532050468,,83024151163#,,,,*693100# US.

Date of Intended Adoption: May 7, 2024.

Submit Written Comments to: Lawrence Larson, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 844-652-7096, by April 12, 2024.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email Teresa.eckstein@esd.wa.ov [Teresa.eckstein@esd.wa.gov], by April 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend WAC 192-220-070 to amend a cross-reference to RCW 50.12.070 (2)(c). In 2013, the legislature amended RCW 50.12.070, and subsection (2)(c) was removed from the statute. The substance of RCW 50.12.070 (2)(c) was moved to subsection (2)(b). Thus, the cross-reference in WAC 192-220-070 should be updated to reference RCW 50.12.070 (2)(b).

Reasons Supporting Proposal: The proposal is needed to update WAC 192-220-070 so that it references the correct subsection in RCW 50.12.070.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.070.

Statute Being Implemented: RCW 50.12.070.

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: Lawrence Larson, Olympia, Washington, 360-890-3460; Implementation and Enforcement: J.R. Richards, Olympia, Washington, 360-463-1079.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. As this rule making only corrects an outdated cross-reference, no cost-benefit analysis is needed.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how

costs were calculated. The rule making corrects an outdated cross-reference and does not impose any costs to small businesses.

February 1, 2024

Joy Adams

Employment System Policy Director

OTS-5081.1

AMENDATORY SECTION (Amending WSR 07-23-128, filed 11/21/07, effective 1/1/08)

WAC 192-220-070 Overpayments under RCW 50.12.070 (2) ~~((e))~~ (b).

You are not required to repay benefits improperly paid to you because an employer failed to correctly report your wages or hours and a later correction results in a lower benefit amount or your claim becomes invalid. However, you remain liable for any overpayment assessment resulting from an eligibility decision issued before your claim became invalid that has become final.