

Purpose of the proposal and its anticipated effects, including any changes in existing rules: (continued)

- Rules are updated to allow delivery and response via online services, including email.
- Technical changes are made to correct the statutory citations in the rules.
- Penalties for failure to respond to requests for information by the department are clarified.
- Response deadlines are updated for consistency and to allow for online responses.
- The option to cancel claims is limited to special conditions, consistent with general insurance industry practice.
- Claimants are allowed more flexibility and more time to backdate the effective date of their initial claim and reopened claims.
- The department will no longer issue written availability denials for one or two sevenths of a week; these will be treated as reductions in benefits rather than denials. This will reduce overpayments because claimants will not be conditionally paid until a written decision is issued when information shows they were not available for work on one or more days of a week.
- The department will charge \$25.00 for dishonored payments on benefit overpayments.
- Interest will accrue on the total overpayment, including interest, penalties, court costs, and charges for dishonored payments, in addition to the principal balance.
- Interest is calculated monthly beginning with the date payment is due, rather than the first day of the following month.
- Claimants can choose the amount to be offset against their weekly benefit to repay an existing overpayment.
- At their request, claimants can ask that the department hold conditional payments until their eligibility for benefits is established.
- Benefits paid to a claimant who has provided evidence of authorization to work in the United States will be conditionally paid pending verification with the federal government.
- Appeals, petitions for review and petitions for reconsideration can be filed online.
- When hours of work are not reported by other states, the federal minimum wage will be used to estimate the hours worked. Since Washington's minimum wage is higher than most states, using our minimum wage could make low-earning claimants with out-of-state wages unable to establish a valid Washington claim.
- When identifying individuals who are likely to exhaust benefits, the calculation will be made after all wages have been received, rather than those claims valid in the first week claimed. This permits claimants waiting for out-of-state, federal, and military wages to be provided enhanced reemployment services when their claim is validated.
- Provides that negotiated settlements will presume that equity and good conscience applies to instances in which the employer or claimant lives below the federal lower living standard income level. This is consistent with the policy on overpayment waivers.
- Claimants enrolled in the self-employment assistance program must report gross income (as opposed to net) for income from any source other than their self-employment. This is consistent with income reporting by all claimants.
- Benefits will be charged to employers in the quarter containing the first week claimed, rather than the date payment is issued.
- An employer who incorrectly reports an individual's wages, and a claimant's benefits are subsequently reduced due to a later corrected report, the employer will be charged for 100% of benefits that should not have been paid.