

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
6-29-17 10:47 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Employment Department  
Agency and Division  
Cristina Koreski  
Rules Coordinator  
Employment Department, 875 Union St. NE, Salem, OR 97311  
Address

471  
Administrative Rules Chapter Number  
(503) 947-1471  
Telephone

**RULE CAPTION**

Establish time frames in rule for unemployment recipients to respond to requests to furnish information

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
8-23-17	2:00 p.m.	Employment Department Auditorium; 875 Union St NE, Salem, OR,	Staff

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

471-030-0025

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 657.610

**Other Authority:**

**Statutes Implemented:**

ORS 657.155

**RULE SUMMARY**

This change establishes the requirement in rule that unemployment insurance (UI) recipients respond to requests to furnish information by the Employment Department within the following time frames, unless specifically instructed otherwise:

- 1) Five (5) calendar days for requests provided by letter; and
- 2) 48 hours for requests provided by phone, fax, email, or other electronic means.

Getting timely and accurate information from UI recipients is necessary to be able to meet federal and state requirements regarding the issuance of timely payments to recipients who meet eligibility requirements while avoiding improper payments.

The Employment Department requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business. The agency is holding a public hearing for this rule on Wednesday, August 23, 2017 from 2:00 p.m. - 4:00 p.m. in the Employment Department Auditorium (875 Union St NE, Salem, OR 97311). Anyone interested in providing the department feedback on the rule is welcome to attend the public hearing in person. If you are unable to attend the hearing in person but want to provide comments on the rule, you have the option of calling the conference line at 888-850-4523 (Passcode # 440528).

Written comments may also be submitted via e-mail to [OED\\_Rules@oregon.gov](mailto:OED_Rules@oregon.gov) by August 23, 2017 at 5:00 p.m. All comments received will be given equal consideration before the department proceeds with the permanent rulemaking.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>08-23-2017 5:00 p.m.</u>	<u>Cristina Koreski</u>	<u>cristina.koreski@oregon.gov</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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**STATEMENT OF NEED AND FISCAL IMPACT**  
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471  
Administrative Rules Chapter Number

Establish time frames in rule for unemployment recipients to respond to requests to furnish information

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 471-030-0025

**Statutory Authority:**

ORS 657.610

**Other Authority:**

**Statutes Implemented:**

ORS 657.155

**Need for the Rule(s):**

The U.S. Department of Labor issued Unemployment Insurance Program Letter (UIPL) 01-16 in October, 2015. The guidance was issued to remind state agencies of the requirements of federal law pertaining to protecting rights for recipients of Unemployment Insurance (UI), to prevent and/or recover benefit overpayments. The guidance clarified that states must notify UI recipients of the issue and provide them with an opportunity to contest it within a time frame established under statute or rule.

While the Employment Department does have established time frames in practice for UI recipients to respond to requests to furnish information, there currently are no guidelines set in statute or rule. This change puts the department's existing practices into rule.

**Documents Relied Upon, and where they are available:**

UIPL 1-16. A copy of the letter is available at [https://workforcesecurity.doleta.gov/dmstree/uipl/uipl2k16/uipl\\_0116.pdf](https://workforcesecurity.doleta.gov/dmstree/uipl/uipl2k16/uipl_0116.pdf) or from the agency.

Oregon Revised Statutes, available online at [www.oregonlegislature.gov](http://www.oregonlegislature.gov) or from the agency; and Oregon Administrative Rules, available online at: [http://sos.oregon.gov/archives/Pages/oregon\\_administrative\\_rules.aspx](http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx) or from the agency.

**Fiscal and Economic Impact:**

The Employment Department does not anticipate any fiscal or economic impact from the change to this rule, because the only change is to establish existing practice in rule.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

There is no cost for state agencies, units of local government or the public to comply with this rule.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

Small businesses and types of businesses and industries with small businesses are not subject to the rule.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

There is no increase in costs for projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services, as a result of the adoption of this rule.

**c. Equipment, supplies, labor and increased administration required for compliance:**

There is no increase in costs for equipment, supplies, labor and increased administration required for compliance as a result of the adoption of this rule.

**How were small businesses involved in the development of this rule?**

Small businesses were not specifically involved in the development of this rule. However, the department will continue to seek input from small businesses during the public comment and public hearing process.

**Administrative Rule Advisory Committee consulted?: No**

**If not, why?:**

The Employment Department does not have an Administrative Rule Advisory Committee. However, as specified under ORS 657.695, the department does have an Employment Department Advisory Council that includes an equal number of employer and employee representatives. The department will continue to seek input from stakeholders during the public comment and public hearing stage, and seek input from the Employment Department Advisory Council.

08-23-2017 5:00 p.m.	Cristina Koreski	cristina.koreski@oregon.gov
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Rule Caption: Establish time frames in rule for unemployment recipients to respond to requests to furnish information

Purpose: The Oregon Employment Department is amending this rule to be consistent with federal guidance.

Please note: **Boldfaced type** in an amended section is new language; [*italic and bracketed*] is existing rule language to be omitted.

471-030-0025

### Claimant's Responsibilities

**(1)** With all claims, an individual shall furnish the Director with their social security number and other information required for processing their claim. Such information may include, but is not limited to, information pertaining to prior work history, separations from work, current work activity and earnings, licenses or permits held, self-employment, entitlement to pay and allowances of various kinds, work seeking activity, working restrictions, and working ability. With respect to work activity or self-employment during any week claimed, the information required may include the type of work activity, the amount of time devoted to such activity, the gross and net amount of compensation, remuneration, wages, commission, salary, or income, if any, received or expected to be received, and any other factors material to a determination of eligibility for benefits.

**(2)** The claimant is required to furnish such information required for processing their claim within the time frame provided by the Director or an authorized representative of the Employment Department. Unless the time frame is otherwise defined under Employment Department statute or rule, or is specifically directed otherwise by an authorized representative of the Employment Department, the claimant is required to respond to all requests for information within the following time frames:

**a)** For requests for information by letter mailed to the address of record, the claimant shall have five (5) calendar days to respond from the date the letter was mailed. When responding by mail, the date of the response shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of the response shall be the most probable date of mailing as determined by the Employment Department.

**(b)** For requests for information by telephone message, fax, email, or other electronic means, the claimant shall have 48 hours to respond.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657

Hist.: 1DE 150, f. & ef. 2-9-76; 1DE 152, f. 9-28-77, ef. 10-4-77; 1DE 3-1985, f. & ef. 12-16-85

The agency is holding a public hearing for this rule on Wednesday, August 23, 2017 from 2:00 p.m. - 4:00 p.m. in the Employment Department Auditorium (875 Union St NE, Salem, OR 97311). Anyone interested in providing the department feedback on the rule is welcome to attend the public hearing in person. If you are unable to attend the hearing in person but want to provide comments on the rule, you have the option of calling the conference line at 888-850-4523 (Passcode # 440528). Written comments may also be submitted via e-mail to [OED\\_Rules@oregon.gov](mailto:OED_Rules@oregon.gov) by August 23, 2017 at 5:00 p.m. All comments received will be given equal consideration before the department proceeds with the permanent rulemaking.