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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Employment Department 471

Agency and Division Administrative Rules Chapter Number
Cristina Koreski (503) 947-1471

Rules Coordinator Telephone
875 Union St. NE, Salem, OR 97311

Address

To become effective Upon filing. Rulemaking Notice was published in the August 2017 Oregon Bulletin.

RULE CAPTION

Align rule for offsetting employer debts through the federal Treasury Offset Program with state statute.

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

RULEMAKING ACTION

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

ADOPT:

AMEND:

471-030-0058

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 657.610

Other Authority:

Statutes Implemented:

ORS 657.312

RULE SUMMARY

The Employment Department is updating the language in the existing rule to be consistent with the changes to Oregon Revised Statute 657.312 resulting from the passage of Senate Bill 242 in the 2015 Legislative Session. The law expanded the department's authority to intercept the federal tax refunds of employers with delinquent Unemployment Insurance tax obligations through the federal Treasury Offset Program (TOP).

The proposed amendment makes four changes to the existing rule:

- 1) Delinquent taxes are included in the types of debts which are eligible for referral to TOP for offset and which the department will notify about the intent to offset against federal tax refunds;
- 2) Update the references to the federal laws used to grant states with the authority to use TOP for offset against federal tax refunds;
- 3) The terminology used in the rule is being updated to identify the parties subject to the offsetting of refunds from "claimant" to "debtor" and the nature of the outstanding amount from "overpayment" to "debt"; and
- 4) A new stipulation that the department does not need to consider the merits of claim that a debt is not legally enforceable if the issue has already been adjudicated by a court of competent jurisdiction (in addition to the Office of Administrative Hearings and Employment Appeals Board).

Cristina Koreski

cristina.koreski@oregon.gov

Rules Coordinator Name

Email Address