

IDENTIFYING THE RULE AND REGULATION							NECESSITY			POTENTIAL FOR REVOCATION				TIES TO FEDERAL PROGRAMS				ADDITIONAL INFORMATION	
Number	Article Title	Rule and Regulation Title	Type (new, amended)	Effective Date (history)	Authorizing KSA(s)	Implementing KSA(s)	Is the rule and regulation necessary for the implementation and administration of state law or could it be revoked?	Does the rule and regulation serve an identifiable public purpose in support of state law?	Is the rule and regulation broader than necessary to meet its public purpose?	Briefly describe the public purpose of the rule and regulation.	Briefly describe how revocation would affect Kansans.	If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute?	If the rule and regulation is not in active use and revocation would require a change to the authorizing or implementing statute, which change(s)?	Is the rule and regulation federally required for state participation in a federal program or authority?	Is the rule and regulation necessary for federal delegation of enforcement authority to the State?	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?	If federal moneys could be in jeopardy, the approximate amount received for the most recent fiscal year	Additional information necessary to understanding the necessity of this rule and regulation
							necessary/ could be revoked	yes/no	yes/no	limited to 400 characters	limited to 600 characters	in active use/ yes/ no	limited to 400 characters	yes/no	yes/no	N/A	yes/no	N/A	limited # of characters
48-1-1	Article 1.-Appellate Procedure	Filing of appeal	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(b) and (c)	necessary	Yes	No	The public purpose of the regulation is to provide a general definition of what constitutes an appeal under the Employment Security Law and what form the appeal must take.	Revocation would leave the citizenry without any guidelines regarding an essential function of the unemployment insurance appeals process.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important as it provides the agency and the public guidelines as to what constitutes a proper appeal, i.e., that it be filed with a representative of the division of employment and that it be in writing.
48-1-2	Article 1.-Appellate Procedure	Notice of hearing	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c) and (k)	necessary	Yes	No	The public purpose of the regulation is to outline the requirements of what is to be contained in any notice of hearing issued when an appeal hearing is scheduled under the Employment Security Law and to require the agency to send the notice 5 days in advance at a minimum.	Revocation would remove any bounds on the agency as to how an individual claimant for benefits or employer is notified of pending hearing and how much notice is required. Thus creating the potential for erroneous and inequitable outcomes.	In active use	N/A	No	No	N/A	No	N/A	This regulation is of value because it defines the parameters of what is to be included in a notice of hearing for the agency and ensured that the parties involved are receiving vital information regarding the process, nature and scope of an appeal.
48-1-3	Article 1.-Appellate Procedure	Disqualification of referees	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(d)	necessary	Yes	No	This regulation provides a process for recusal of an appeals referee when it is believed that the referee may have a conflict of interest in a case before him or her.	Revocation would leave the citizenry without a process to challenge an important piece of ensuring the fairness of the appeals process, i.e. the impartiality of the decision maker.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important as it is an important piece in ensuring that claimants and employers are treated fairly and impartially under the Employment Security Law.
48-1-4	Article 1.-Appellate Procedure	Conduct of hearing	Amended	Jan. 22, 2010	2008 Supp. 44-709(g) and K.S.A. 2008 Supp. 44-714(g)	2008 Supp. 44-709(c) and (k), K.S.A. 2008 Supp. 44-714(h), and K.S.A. 2008 Supp. 44-719	necessary	Yes	No	This regulation provides the basic framework for how an appeals hearing is to be conducted under the Employment Security Law, including the duties of the referee, how the hearing is to be conducted, how the parties may participate, evidentiary rules, among other things.	Revocation of the regulation would leave the procedure a conduct of hearings under the Employment Security Law up to the individual referee, potentially leading to disparate outcomes and would diminish the overall fairness of the process.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important as it supplies the overall framework for an appeals process ensuring that everyone is protected by the same rules and procedures.
48-1-5	Article 1.-Appellate Procedure	Continuance of hearings; withdrawal of appeal	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c) and (g)	necessary	Yes	No	This regulation provides a mechanism for withdrawing an appeal, rescheduling or requesting the allocation of more time for a hearing when needed and also provides a procedure for how a referee is to proceed if the appealing party fails to appear.	The revocation of the regulation would leave Kansans involved in the unemployment insurance appeals process without a way to reschedule, gain more time for their appeal to be heard and would leave referees without a procedure to follow in the case of an appealing party's failure to appear at a hearing.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important in that it provides a process to reschedule appeals, withdraw appeals and a process for handling cases when an appellant has failed to appear. All of which are integral to the ability of the appeals tribunal to function properly and for the convenience of the parties.
48-1-6	Article 1.-Appellate Procedure	Determination of appeal	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c)	necessary	Yes	No	This regulation requires that the decision of the referee regarding a dispute before them be in writing, provides for what the decision is to contain, how the decision is to be provided to the parties and mandates that appeal rights be included.	The revocation of the regulation would remove the basic framework for the structure and scope of an appeals referees decision, leaving those to the referee or the agency which could lead to a lack of uniformity, as well as the loss of appeal rights due to the parties not being informed that such rights exist.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important to the overall uniform functioning of the appeals tribunal and the provision of vital information to the parties appearing before it.
48-2-1	Article 2.-Board: Organization and Proced	Creation and organization	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(f)	necessary	Yes	No	This regulation provides for how and when a chairperson for the Kansas Employment Security Board of Review is selected.	The revocation of the regulation would impair the proper statutory function of the Kansas Employment Security Board of Review as outlined in K.S.A. 44-709(f).	In active use	N/A	No	No	N/A	No	N/A	This regulation is important to the ability of the Kansas Employment Security Board of Review's ability to perform its statutorily required role.
48-2-2	Article 2.-Board: Organization and Proced	Filing of appeal to the board of review	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c) and (f)	necessary	Yes	No	This regulation restates the requirements for filing an appeal and imposes an obligation on the Kansas Employment Security Board of Review to notify the parties that an appeal has been received	The revocation of the regulation could deprive the non-appealing party of notice that an appeal has been filed. The board typically does not conduct another hearing, the non-appealing party may be deprived of an opportunity to object or provide written argument to the Board if it so desired.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important in that it provides notice to the appealing party that its appeal has been received and notice to the non-appealing party so that it may submit objections or written argument to the Board.
48-2-3	Article 2.-Board: Organization and Proced	Hearing of appeals	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c) and (f)	could be revoked	No	Yes	This Regulation discusses what evidence the Kansas Employment Security Board of Review may consider when rendering its decision and is redundant in nature as its subject matter is already covered in statute.	The revocation of the regulation would have no material effect on Kansans as, for the most part, the regulation mirrors K.S.A. 44-709(f)(7) and therefore is an unnecessary redundancy.	No	N/A	No	No	N/A	No	N/A	This regulation is unnecessary and could be revoked.
48-2-4	Article 2.-Board: Organization and Proced	Additional evidence	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)		could be revoked	Yes	No	This Regulation establishes the requirement that when the Kansas Employment Security Board of Review dictates that additional evidence be taken in a case, the evidence must be taken in the same manner as a normal hearing before a referee.	The revocation of this regulation would not have a significant effect on Kansans as there is no other logical mechanism for the Board to obtain additional evidence other than what the regulation currently requires and K.S.A. 44-709(f)(7) grants the Board authority to direct the taking of additional evidence and K.S.A. 44-709(g) grants the Board broad authority to prescribe the procedure for appeals, so it is already within its authority and would likely do what the regulation requires whether it was in existence or was revoked.	In active use	N/A	No	No	N/A	No	N/A	This regulation is in use but would have any impact on current operations if revoked.

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48-2-5	Article 2.-Board: Organization and Proced	Decision of the board of review	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(f)nd (i)	necessary	Yes	No	This regulation requires that the decision of the Kansas Employment Security Board of Review regarding a dispute before them be in writing, provides for what the decision is to contain, how the decision is to be provided to the parties and mandates that appeal rights be included.	The revocation of the regulation would remove the basic framework for the structure and scope of a decision of the Kansas Employment Security Board of review and could lead to the loss of appeal rights due to the parties not being informed that such rights exist.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important in that it requires the provision of vital information to the parties involved in an appeal before it.
48-2-6	Article 2.-Board: Organization and Proced	Revoked																	
48-2-7	Article 2.-Board: Organization and Proced	Revoked																	
48-3-1	Article 3.-Appeals	Witnesses	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(h)	necessary	Yes	No	This provision allows for subpoenaed witnesses to be compensated for their time in a manner provided for by law.	The revocation of this regulation would effect Kansans by removing the ability for subpoenaed witnesses to be compensated for their time	In active use	N/A	No	No	N/A	No	N/A	This regulation while used infrequently, if it all, is important in that it gives an individual who has been compelled to appear in an appeals proceeding the opportunity to be provided compensation for his or her inconvenience.
48-3-2	Article 3.-Appeals	Representation before referee and board of review	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(c) and (k)	necessary	Yes	No	This provision sets forth who may represent a party in an appeal arising under the Kansas Employment Security Law. It also allows the referee and the Employment Security Board of Review to require those appearing before it to comport themselves in a reasoned and dignified manner. Finally it establishes that no fees be collected by individual representing a benefits claimant until approved by the Kansas Department of Labor in accordance with K.S.A. 44-718(b).	The revocation of this Regulation would affect Kansans by allowing anyone to represent a party in an unemployment proceeding, potentially allowing vulnerable individuals to be taken advantage of, remove from those presiding over appeals the ability to control the proceedings and remove an important safeguard that aims to ensure representatives are not overcharging claimants.	In active use	N/A	No	No	N/A	No	N/A	This is an important regulation that contains safeguards designed to protect the parties and ensure the solemnity and efficiency of appeals proceedings.
48-3-3	Article 3.-Appeals	Revoked																	
48-3-4	Article 3.-Appeals	Service of notice	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(g)	necessary	Yes	No	This Regulation requires that notification of hearings or proceedings be provided by mail.	The revocation of this Regulation would affect Kansans by removing a uniform procedure regarding notification.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important in that it provides uniformity of process. While it could be amended to include email notification as an option, it should not be revoked.
48-3-5	Article 3.-Appeals	Disqualification of board members	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(g)	necessary	Yes	No	This Regulation prohibits the participation of a member of the Employment Security Board of Review where the member has an interest in the case.	The revocation of this regulation would affect Kansans by removing an important safeguard against impartiality.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important to ensure the fairness and impartiality of the proceedings conducted by the Kansas Employment Security Board of Review.
48-4-1	Article 4.-Filing Appeals	Notice of appeal, when filed	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(b) and (c)	necessary	Yes	No	This regulation establishes that appeals delivered to the appellate body are considered filed on the date of delivery if delivered in person, on the date of the postmark if mailed and if the postmark is illegible on the date it was received, minus three days.	The revocation of this regulation would affect Kansans by removing important guidelines as to when an appeal should be considered to have been filed. This is important because there are appeals deadlines parties have to meet and could lead to the erroneous findings of finality depriving a party of their right to appeal.	In active use	N/A	No	No	N/A	No	N/A	This regulation is important to ensure that there are specific markers to determine the date when an appeal is filed which safeguards against the erroneous deprivation of a party's right to appeal.
48-4-2	Article 4.-Filing Appeals	Constructive filing	Amended	Jan. 22, 2010	2008 Supp. 44-709(g)	2008 Supp. 44-709(g)	could be revoked	No	No	This provision is redundant in that it allows for an untimely appeal to be considered timely upon a showing of excusable neglect which is already provided for in statute.	The revocation of this statute would have no material affect on Kansans as it is redundant and the safeguard it purports to establish is already provided for in the provisions of K.S.A. 44-709.	No	N/A	No	No	N/A	No	N/A	This regulation could be revoked as it is unnecessary because its subject matter is already established in law.