



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 02, 2020

TIME: 10:24 AM

WSR 20-20-074

**Agency:** Employment Security Department

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The adopted rules implement provisions of Substitute House Bill (SHB) 2614 (chapter 125, Laws of 2020) related to administering the Paid Family and Medical Leave Program. Amended rules include: adding a reference to casual labor under the definition of employer; amending the definition of interested parties to allow interested parties to receive information about complaints under chapter 50A.40 RCW; and amending the definition of waiting period so that a waiting period does not apply to family leave taken for reasons related to a qualified military exigency. New sections include: a rule to describe the process for employees to file complaints alleging unlawful acts by an employer; a rule to describe the process the Employment Security Department (department) will use to investigate allegations of unlawful acts; and a rule outlining how the department will assess damages and liquidated damages when an employer violates RCW 50A.40.010.)

**Citation of rules affected by this order:**

New:

WAC 192-570-030 What is the process for an employee to file a complaint alleging that an employer committed unlawful acts?

WAC 192-570-040 What happens when the department receives a complaint alleging unlawful acts by and employer?

WAC 192-570-050 How are damages and liquidated damages assessed by the department, awarded, and paid?

Repealed:

Amended:

WAC 192-500-010 Employer.

WAC 192-500-035 Interested parties.

WAC 192-500-185 Waiting period.

Suspended:

**Statutory authority for adoption:** RCW 50A.05.060

**Other authority:** SHB 2614 (chapter 125, Laws of 2020)

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-16-148 on 8/5/2020 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: April Amundson

Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046

Phone: 360-485-2816

Fax:

TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)

Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)

Web site: [https://opentownhall.com/portals/289/forum\\_home](https://opentownhall.com/portals/289/forum_home)

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>3</u>	Amended	<u>3</u>	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>3</u>	Amended	<u>3</u>	Repealed	___

**Date Adopted:** October 2, 2020

**Name:** April Amundson

**Title:** Policy and Rules Manager for Paid Family and Medical Leave

**Signature:**

