RULE-MAKING ORDER
PERMANENT RULE ONLY

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

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
  - ☐ Other (specify)

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- Repealed: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
- Web site: 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:

<table>
<thead>
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<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Federal statute</td>
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<td>Federal rules or standards</td>
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<tr>
<td>Recently enacted state statutes</td>
<td>3</td>
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</tbody>
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The number of sections adopted at the request of a nongovernmental entity:

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<th>Amended</th>
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The number of sections adopted on the agency’s own initiative:

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<th>Repealed</th>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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The number of sections adopted using:

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Date Adopted: October 2, 2020

Name: April Amundson

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

Signature: [Signature Image]