

INTRODUCTION

Pursuant to RCW 34.05.328, the Paid Family and Medical Leave (PFML) division of the Employment Security Department (department) hereby places into the rulemaking file an implementation plan regarding rules related to Substitute House Bill (SHB) 2614, which passed during the 2020 Legislative Session. Amended sections include WAC 192-500-010, 192-500-035, and 192-500-185. New sections include WAC 192-570-030, 192-570-040, and 192-570-050. The definition of employer was amended to add a reference to casual labor. The definition of interested parties was amended to allow interested parties to receive information about complaints under chapter 50A.40 RCW. The definition of waiting period was amended to reference that the waiting period does not apply to family leave taken for reasons related to a qualified military exigency. The new rules were added to outline the process for employees to file complaints alleging unlawful acts by an employer, the process the department will use to investigate allegations of unlawful acts, and how the department will assess damages and liquidated damages when an employer violates RCW 50A.40.010.

PLAN TO IMPLEMENT AND ENFORCE THE RULE

The department will integrate the new and amended rules into operational policy and discuss the rules with staff members. The content of the rules will also be integrated into the program's technological functions, to the extent possible, in order to automate processes and simplify the customer experience.

PLAN TO INFORM AND EDUCATE AFFECTED PERSONS ABOUT THE RULE

Information regarding the new and amended rules will be posted on the department's website and included in all relevant online literature, including the Benefit Guide. Customer service staff members will be trained on the changes and will be available by phone and email to answer customer questions. Emails are sent to all PFML mailing list subscribers summarizing the rulemaking processes and providing updates on any rule changes. Additional information, including the final text of the rules, is available on the program's rulemaking website.

PLAN TO PROMOTE AND ASSIST VOLUNTARY COMPLIANCE

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rule. Employers with approved voluntary plans will be required to comply with the new requirements.

PLAN TO EVALUATE WHETHER THE RULES ACHIEVE THE PURPOSE FOR WHICH THEY WERE ADOPTED

The new and amended rules were adopted to implement and comply with provisions outlined in SHB 2614. The department will consider feedback from customers and the stakeholder community in order to gauge the effectiveness and understanding of the rules.
