



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 05, 2020

TIME: 10:52 AM

WSR 20-16-151

Agency: Employment Security Department

Subject of possible rule making: The Paid Family and Medical Leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes based on programmatic needs. This preproposal statement of inquiry includes, but is not limited to, adding definitions of "illegal acts" and "successor," updating the definition of "health care provider," clarifying references to "hours worked," for the purposes of job protection and program consistency, clarification regarding small business grants, and adding information regarding closed hearings and appeal withdrawals.

Statutes authorizing the agency to adopt rules on this subject: RCW 50A.05.060

Reasons why rules on this subject may be needed and what they might accomplish:

The department recognizes the need for clear and usable guidance for ongoing programmatic operations. These rules will contribute to that guidance.

Defining "illegal acts" will provide clarification regarding benefit disqualification under RCW 50A.15.060.

Defining "successor" will clarify requirements regarding an employee's entitlement to job protection to include hours worked for a predecessor.

Rules referring to "hours worked" will be revised for consistency purposes regarding weekly benefits, claim determinations, and job protection requirements. In addition, the requirements for weekly benefits and claim determinations will be clarified.

The three-year time period will be clarified for premium liability for a small business receiving a grant.

Rules will be updated to allow the department to withdraw an appeal when a redetermination has been made in the appellant's favor. In addition, rules will be updated to add a requirement that hearings be closed to the public in order to streamline the hearings process. Currently, a separate request must be made to close each individual hearing.

Additional clarifying updates may be considered as needed.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the Employment Security Department.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The draft rules will be shared with the public, stakeholders, and the program's Advisory Committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

Name: April Amundson

Name:

Address: 640 Woodland Square Loop SE, Lacey WA 68503 Address:

Phone: 360-485-2816

Phone:

Fax:

Fax:

TTY: Teresa Eckstein, State EO Officer, 771 or 360-902-9354

TTY:

Email: Rules@esd.wa.gov

Email:

Web site:

Web site:

Other:

Other:

Additional comments:

Date: August 5, 2020

Signature:

Name: April Amundson



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