



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: 10:20 AM

WSR 20-20-073

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 several changes to Title 192 WAC. New rules include adding a definition for “placement” of a child for eligibility for family bonding leave and clarification on how the Employment Security Department will determine the premium rate for each calendar year. Amended rules include: clarification on when a claim year will be established; information regarding the documentation required for the birth or placement of a child; a description of how a benefit will be prorated; additional information regarding the conditions under which an order of default will be vacated; and other clarifying and technical changes.

Citation of rules affected by this order:

- New:
 - WAC 192-500-195 Placement.
 - WAC 192-510-090 How will the department determine the premium rate for each calendar year?
- Repealed:
- Amended:
 - WAC 192-500-040 Aggrieved party.
 - WAC 192-500-070 Claim year.
 - WAC 192-500-080 Qualifying event.
 - WAC 192-500-170 Self employed.
 - WAC 192-610-025 Documenting the birth or placement of a child for paid family leave.
 - WAC 192-620-035 When will a weekly benefit amount be prorated?
 - WAC 192-800-035 Who can appeal or submit a petition for review?
 - WAC 192-800-045 When can an appeal be withdrawn?
 - WAC 192-800-110 What options are available for an aggrieved party who received an order of default?
- Suspended:

Statutory authority for adoption: RCW 50A.05.060

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

- Adopted under notice filed as WSR 20-16-149 on 8/5/2020 (date).
- Describe any changes other than editing from proposed to adopted version:
 - WAC 192-500-080(1) and (2): The subsections were removed from the RCW 50A.05.010 references.
 - WAC 192-500-170(1)(d): The subsection was removed from the RCW 50A.05.010 reference.

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://www.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	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>9</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>2</u>	Amended	<u>9</u>	Repealed	___

Date Adopted: October 2, 2020

Name: April Amundson

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

Signature:

