



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: October 23, 2020

TIME: 11:23 AM

WSR 20-22-018

Agency: Employment Security Department

Title of rule and other identifying information: (describe subject)

- WAC 192-500-190 Sibling.
- WAC 192-510-010 Election, withdrawal, and cancellation of coverage.
- WAC 192-510-031 What are reportable wages for self-employed persons electing coverage?
- WAC 192-510-040 How does an employer's size affect liability for premiums and eligibility for small business assistance grants?
- WAC 192-510-065 When can an employer deduct premiums from employees?
- WAC 192-510-080 What are the requirements to be eligible for a conditional premium waiver?
- WAC 192-530-060 How can approved voluntary plans end and what happens when they do?
- WAC 192-530-070 What is good cause for terminating an approved voluntary plan?
- WAC 192-560-020 What is the application process for a small business assistance grant?
- WAC 192-610-051 How is the weekly benefit calculated?
- WAC 192-700-005 When is an employee entitled to employment restoration after leave ends?
- WAC 192-700-010 Can an employer deny employment restoration?
- WAC 192-800-010 How will the disqualification periods and penalties be assessed for an employee who is determined to have committed fraud?
- WAC 192-800-020 How will the department differentiate between employers?
- WAC 192-800-125 When is a petition for review considered delivered to the department?
- WAC 192-810-030 How do individuals and entities request records from the department?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Employment Security Department (department) Paid Family and Medical Leave Division is amending sections of Title 192 WAC to remove references to subsections of statute to ensure the accuracy of referenced sections of statute within the Title.

Reasons supporting proposal: When sections of chapter 50A RCW are amended by the legislature, the subsections within the amended sections are often renumbered. For example, during the 2020 legislative session, Substitute House Bill 2614 was passed into law. This bill added some definitions to RCW 50A.05.010 affecting the numbering of the definitions within that section. These definitions are referenced in several sections under Title 192 WAC. Once the bill was codified, references to certain definitions within Title 192 WAC were no longer correct. The department is amending sections throughout Title 192 WAC to remove references to RCW subsections so that future statutory changes to chapter 50A RCW do not affect the department's references to the content of chapter 50A RCW.

Statutory authority for adoption: RCW 50A.05.060

Statute being implemented: Title 50A RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Employment Security Department, Paid Family and Medical Leave Program Private Public Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|----------------|-----------------|--------------|
| Drafting: | April Amundson | Lacey, WA | 360-485-2816 |
| Implementation: | April Amundson | Lacey, WA | 360-485-2816 |
| Enforcement: | April Amundson | Lacey, WA | 360-485-2816 |

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): Expedited rulemaking is appropriate because the amendments being made to Title 192 WAC are correcting references to Washington state statues within the Title by removing citations to subsections of RCW. These changes will not change the rule's effect, and are intended to ensure that refences made to chapter 50A RCW within the Title remain accurate.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: Employment Security Department
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Other: Online portal: https://www.opentownhall.com/portals/289/forum_home?phase=open
AND RECEIVED BY (date) 1/4/2021

Date: 10/23/2020

Signature:

Name: April Amundson

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

A handwritten signature in black ink, appearing to read 'April Amundson', is written over a light gray background.