



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 28, 2021

TIME: 2:35 PM

WSR 21-10-047

**Agency:** Employment Security Department

**Subject of possible rule making:** The Employment Security Department (department), Leave and Care Division, is considering rules to implement legislation passed during the 2021 legislative session concerning the Paid Family and Medical Leave (PFML) program.

**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:** Engrossed Second Substitute House Bill 1073 was passed into law during the 2021 legislative session. The bill provides expanded qualifying periods for those whose employment was affected by the COVID-19 pandemic and provides a small business assistance grant for employers whose employees take paid family or medical leave under the expanded qualifying periods. Rules are being considered regarding small business grant eligibility, what information is required when applying for benefits, and application backdating requirements to align with the new law.

Additionally, Engrossed Substitute Senate Bill 5097 was passed into law this year. This bill expands the definition of "family member" for the purposes of the PFML program and requires the department to submit two reports to the legislature regarding usage of the program. Rules are being considered to update documentation requirements to align with the new legislation.

Other clarifying or technical amendments may also 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:**

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Other:

(If necessary)

Name:

Address:

Phone:


Fax:

TTY:

Email:

Web site:

Other:

Additional comments:	
<b>Date:</b> April 28, 2021	<b>Signature:</b> 
<b>Name:</b> April Amundson	
<b>Title:</b> Policy & Rules Manager, Leave and Care Division	