



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 several changes to Title 192 WAC. New rules include WAC 192-610-090, 192-700-006, 192-700-007, and 192-800-155. Amended rules include WAC 192-510-050, 192-560-010, 192-620-020, 192-620-035, and 192-800-045. New rules define “illegal act” for the purposes of benefit disqualification, clarify “hours worked” for the purposes of employment restoration, clarify that an employer deemed as a “successor in interest” as defined by the federal Family and Medical Leave Act must count toward hours worked for the previous employing entity for the purposes of employment restoration, outline what hearing information is publicly disclosable, and clarify that all hearings will be closed to the public unless an open hearing is agreed upon by all parties. Amended rules clarify that new employer size remains in effect for a calendar year following the determination made by the department, clarify premium payment requirements for employers that receive small business assistance grants, clarify that employees must establish that hours were worked for wages when filing for weekly benefits, or for the purposes of benefit amount proration, establish that an appeal will be withdrawn when a redetermination has been made in an aggrieved party’s favor unless such withdrawal is contested within thirty days of the redetermination, and make technical and clarifying changes to increase readability and ensure accuracy of statutory references.

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, will be 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 department will consider feedback from customers and the stakeholder community in order to gauge the effectiveness and understanding of the rules.