

INTRODUCTION

Title 50A RCW created a statewide Paid Family and Medical Leave (Paid Leave) insurance program that provides partial wage replacement when a qualified employee takes approved family or medical leave.

The law gives the Employment Security Department (department) general rulemaking authority under RCW 50A.05.060 to administer the program. These proposed rules include technical and grammatical changes in amendments to Title 192 WAC to further align the administrative rules with the Paid Leave statute.

These proposed rules were developed by the department and were filed in accordance with Chapter 34.05 RCW. One of the proposed rules amends requirements for backdating claims and requires a cost-benefit analysis. Amendments to the other section in this proposal concerning proration of benefit claims, do not require such an analysis.

COSTS

Proposed amendments to WAC 192-610-040 Can an employee backdate an application or a weekly claim for benefits? Amendments to this rule requires cost-benefit discussion. Proposed amendments to the rule add that the list of factors that may be considered as good cause to backdate a benefit claim is not exclusive and may include other factors beyond a serious health condition, a period of incapacity, or a natural disaster. These proposed amendments are intended to expand the circumstances upon which to consider backdating a benefit claim. Proposed amendments change the effect of the current rule by allowing for more applications and claims to be backdated, but do not produce any additional costs.

BENEFITS

The proposed amendments to the rule provide clearer language and allows for operational flexibility when processing claims and applications, which should allow for more backdating.

CONCLUSION

The probable costs of the proposed rule outweigh the probable benefits by providing guidance to Washington employees by removing ambiguity under the current rule and providing plain talked narrative. The public will have a clearer understanding regarding which circumstances an initial application or benefit claim may qualify for backdating under the proposed rule.