



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: July 29, 2021

TIME: 3:39 PM

WSR 21-16-062

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) August 1, 2021 (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: RCW 34.05.380(3)(a) – Section 2, subsection 3 of Chapter 109, Laws of 2021 (HB 1073) requires the department to accept applications based on conditions established by the bill beginning August 1, 2021. The August 1, 2021 effective date is necessary to comply with that requirement.

Purpose: The rules amend several sections of Title 192 WAC to implement the passage of Chapter 109, Laws of 2021 (HB 1073) and Chapter 232, Laws of 2021 (SB 5097). HB 1073 creates additional qualifying periods for employees whose employment was affected by the COVID-19 pandemic. SB 5097 modifies the definition of “family member” and creates additional reporting requirements for the division. The rules create a definition for use throughout WAC, clarify premium calculations, offer guidance to employers with an approved voluntary plan, clarify small business grants, add an attestation requirement for certain applicants, and modify language related to documentation.

Citation of rules affected by this order:

- New:
- WAC 192-500-200 Pandemic leave assistance
 - WAC 192-510-095 How will certain moneys owed to the trust be considered when calculating the premium rate?
 - WAC 192-530-100 Are voluntary plans required to pay pandemic leave assistance benefits?
 - WAC 192-560-011 What small business grants are available under pandemic leave assistance?
 - WAC 192-610-100 What is the attestation required for an employee claiming pandemic leave assistance?
- Repealed:
- Amended: WAC 192-610-035 Documenting a family relationship.
- Suspended:

Statutory authority for adoption: RCW 50A.05.060, RCW 50A.25.030, RCW 50A.05.010, Section 5 of Chapter 109, Laws of 2021 (HB 1073)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-13-161 on 06/22/2021 (date).
Describe any changes other than editing from proposed to adopted version: A typo in Example 2 of WAC 192-610-100 was corrected.

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://paidleave.wa.gov/rulemaking/>
 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	<u>5</u>	Amended	<u>1</u>	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	5	Amended	1	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	5	Amended	1	Repealed	___

Date Adopted: July 29, 2021

Name: April Amundson

Title: Policy and Rules Manager, Leave and Care Division

Signature:

