



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 08, 2022

TIME: 1:10 PM

WSR 22-17-029

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (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:

Purpose: The Paid Family and Medical Leave (PFML) program (Title 50A RCW) is adopting rules to implement Second Substitute Senate Bill 5649 (Chapter 233, Laws of 2022), which passed into law during the 2022 legislative session. The rules implement an expiration date of December 31, 2023, for provisions allowing parties to collective bargaining agreements that were in effect on October 19, 2017, have not expired, have not been reopened, or have not been renegotiated to be exempt from PFML participation. The adopted rules also implement the "postnatal period" as the six-week period after an employee gives birth and specifies that leave taken for the postnatal period will default to medical leave unless otherwise selected by the employee or if the employee's available medical leave has been exhausted. The adopted rules clarify that leave taken for the postnatal period will not require a medical certification and describe other forms of documentation that may be required. The rules also implement a new provision allowing an employee to take family leave for up to seven calendar days, if available, in the event of the death of a child they would have been eligible to bond with or were bonding with. Additional changes are technical.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended:
- WAC 192-520-010 Parties to collective bargaining agreements.
- WAC 192-610-025 Birth, placement, or death of a child and required documentation.
- Suspended:

Statutory authority for adoption: RCW 50A.05.060

Other authority: Second Substitute Senate Bill 5649, Chapter 233, Laws of 2022

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-13-176 on June 22, 2022 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Janette Benham
 Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046
 Phone: 360-790-6583
 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		Amended	<u>2</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		Amended		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		Amended	2	Repealed	___

Date Adopted: August 8, 2022

Name: April Amundson

Title: Policy and Rules Manager, Leave and Care Division

Signature:

