



# 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: November 14, 2023

TIME: 2:04 PM

WSR 23-23-095

**Agency:** Employment Security Department

**Effective date of rule:**

**Permanent Rules**

- ☐ 31 days after filing.
- ☒ Other (specify) January 1, 2024 (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 rule amendments to implement Substitute Senate Bill (SSB) 5286 (Chapter 116, Laws of 2023) and SSB 5586 (Chapter 375, Laws of 2023). SSB 5286 made changes to RCW 50A.10.030 regarding how the annual premium rate is calculated for employers and employees. SSB 5586 made changes to RCW 50A.25.040 that will allow employers to access information about current employees to include the type of leave being taken, the requested duration of leave, and whether an employee was approved for and paid benefits for any given week.

The PFML program is also adopting amendments to rules and repealing a rule regarding public records to eliminate redundancies and refer to agency rules regarding records requests.

**Citation of rules affected by this order:**

New:

Repealed: WAC 192-810-020 Purpose.

Amended:

WAC 192-500-035 Interested parties.

WAC 192-510-090 How will the department determine the premium rate for each calendar year?

WAC 192-810-010 Definitions.

WAC 192-810-030 How do individuals and entities request records from the department?

Suspended:

**Statutory authority for adoption:** RCW 50A.05.060; RCW 50A.10.030; RCW 50A.25.040

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 23-19-086 on September 19, 2023 (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](mailto: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	2	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	2	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New		Amended	2	Repealed	<u>1</u>
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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	4	Repealed	<u>1</u>

**Date Adopted:** November 14, 2023

**Name:** April Amundson

**Title:** Policy and Rules Manager, ESPI, Leave and Care Programs

**Signature:**

