

New Chapter

Chapter 192-511 WAC Transportation Network Company Pilot Program

New Section

WAC 192-511-005 Definitions Applicable to the

Transportation Network Company Pilot Program. The following definitions are applicable under chapter 192-511 WAC and not necessarily applicable throughout Title 192 WAC generally.

(1) "Compensation" has the same meaning as defined in RCW 49.46.300.

(2) "Department" means the employment security department.

(3) "Digital network" has the same meaning as defined in RCW 49.46.300.

(1) "Pilot program" refers to the temporary program providing elective coverage to transportation network company drivers created under chapter 451, law of 2023. The pilot program is effective from July 1, 2024, through December 31, 2028.

(2) "Third party" means a designated representative that is authorized to conduct business on behalf of the

transportation network company driver. To represent a driver before the department, the driver or third party must submit documentation in a format approved by the department. The driver is responsible for all acts taken or failures to act by the third party on the driver's behalf.

(3) A "Transportation network company" has the same meaning as defined in RCW 46.04.652.

(4) A "Transportation network company driver" has the same meaning as commercial transportation services provider driver in RCW 48.177.005.

New Section

WAC 192-511-010 How Do Transportation Network Company Drivers Elect Paid Family and Medical Leave Coverage?

(1) Notice of election of coverage must be submitted to the department online or in another format approved by the department. Either the department or the third party, or both, may inform transportation network companies of a driver's election of coverage into the pilot program through a driver's designation of the third party.

(2) Election of coverage begins on the first day of the quarter immediately following the notice of election.

(3) A transportation network company driver electing coverage is eligible for family and medical leave after working 820 hours in the state during the qualifying period following the date of filing the notice of election.

(4) Any transportation network company driver or third party may file a notice of withdrawal within thirty days after the end of each quarterly period of coverage. The withdrawal will take effect the first day of the following quarter.

(5) A notice of withdrawal from coverage must be submitted to the department online or in another format approved by the department.

(6) Any levy resulting from the department's cancellation of coverage is in addition to the due and unpaid premiums and interest for the remainder of the quarterly period of coverage.

(7) Transportation network company drivers electing coverage must elect both family and medical leave and are responsible for 100 percent of all premiums assessed to an employee under RCW 50A.10.030.

New Section

WAC 192-511-015 Transportation Network Company Rights and Responsibilities.

(1) By the 15th day of the month following the end of a calendar quarter, transportation network companies must report to each driver in Washington who opted in to the pilot program, and to the third party when so designated by a driver, the total amount of compensation that the driver earned providing network services through the transportation network company's digital network in that quarter. The transportation network company shall share data with the third party in a standard format approved by the department to facilitate quarterly reporting and premium payment.

(2) By the 15th day of the month following the driver's deadline for the calendar quarter, the department will provide data to each transportation network company on the drivers who, in that calendar quarter:

(a) Reported and paid all obligated TNC premiums; and

(b) Withdrew or cancelled paid family and medical leave coverage.

(3) Data described in subsection (2) of this section provided by the department includes:

(a) When a driver has elected coverage;

(b) A driver's assessed and paid premiums;

(c) When a driver's elective coverage has been withdrawn or canceled; and

(d) Information related to a third party authorized to be acting on the driver's behalf regarding reporting and paying of premiums.

(e) The data described in this subsection will be provided to transportation network companies until February 15, 2029.

(4) By the 15th day following the receipt of information from the department described under subsection (3) of this section, transportation network companies must pay each driver who elected coverage under WAC 192-511-010 the premiums paid by the transportation network company driver. If the driver has designated a third party representative, then the transportation network companies must pay the third party, rather than the

driver, for any premiums paid by the third party on behalf of the transportation network company driver.

(a) For the purposes of this section, compensation does not include any amount listed in RCW 50A.05.010(22)(d).

(b) The requirement to pay premiums under the pilot program ends December 31, 2028.

New Section

WAC 192-511-020 Self-employed elective coverage rules apply to the pilot program.

Transportation network company drivers electing coverage under the pilot program are considered employees and their transportation network companies are considered employers as stated under chapters 192-500 WAC through 192-810 WAC for the purposes of paying premiums, applying for and accessing benefits, seeking damages, reporting, and filing complaints where the context so dictates.