



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: January 09, 2020

TIME: 5:45 PM

WSR 20-03-069

**Agency:** Employment Security Department

**Subject of possible rule making:** Continuing to implement the Paid Family and Medical Leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes as we discover programmatic needs. This rulemaking will address whether a deceased employee's estate or designated representative can claim benefits on behalf of the deceased employee, how those benefits could be claimed, and other related topics.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 50A.04.215

**Reasons why rules on this subject may be needed and what they might accomplish:** Because PFML benefits must be claimed at the end of a week for leave taken earlier in the week, it is possible an eligible employee who has taken leave could become deceased before claiming the leave taken. In such situations, the department must determine whether and how the decedent's estate could claim those earned benefits on the decedent's behalf.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** No federal agencies and no other state agencies regulate this program as it is a new state entitlement with authority granted solely to the Employment Security Department.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The draft rules will be shared with the public, stakeholders, and the program's Advisory Committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Other:	Other:

Additional comments:

**Date:** 01-09-2020

**Name:** April Amundson

**Title:** Policy and Rules Manager for Paid Family and Medical Leave

**Signature:**