



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 31, 2020

TIME: 3:49 PM

WSR 20-08-119

Agency: Employment Security Department

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-03-067 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

Amending WAC 192-500-070 Claim year

Creating a new section as WAC 192-500-190 Sibling

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 6, 2020	9:00 a.m.	Conference call: (360) 407-3780 // PIN: 507997#	Hearing is being held remotely due to COVID-19.

Date of intended adoption: On or after May 13, 2020 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: April Amundson

Address: Employment Security Department PO Box 9046 Olympia, WA 98507-9046

Email: rules@esd.wa.gov

Fax:

Other: Online portal: https://www.opentownhall.com/portals/289/forum_home?phase=open

By (date) May 6, 2020

Assistance for persons with disabilities:

Contact Teresa Eckstein, State EO Officer

Phone: 360-480-5708

Fax:

TTY: 711

Email: TEckstein@esd.wa.gov

Other:

By (date) April 29, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The amendment to WAC 192-500-070 provides clarification on the definition of a claim year. The new section, WAC 192-500-190, provides a definition of sibling.

Reasons supporting proposal:

The rules will assist in clarifying the requirements to administer payment of benefits to eligible employees as mandated by Title 50A RCW.

Statutory authority for adoption:

RCW 50A.05.060

Statute being implemented: RCW 50A.05.010, 50A.15.020, 50A.15.065

Is rule necessary because of a:

Federal Law?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Employment Security Department, Paid Family and Medical Leave Division

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	April Amundson	Lacey, WA	360-485-2816
Implementation:	April Amundson	Lacey, WA	360-485-2816
Enforcement:	April Amundson	Lacey, WA	360-485-2816

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: While the Employment Security Department is required to follow rulemaking requirements outlined in RCW 34.05.328(5)(a)(i), the amendments to WAC 192-500-070 are procedural as defined in RCW 34.05.328(5)(c)(i) that adopt a policy pertaining to the consistent internal operations of the agency. In addition, revisions to

this rule and the addition of WAC 192-500-190 are interpretive under RCW 34.05.328(5)(c)(ii). The rules clarify and further define the department's interpretation of a "claim year" as referenced in RCW 50A.15.065 and define "sibling" in order to further clarify the definition of a qualifying family member. Procedural and interpretive rules are not considered significant legislative rules under RCW 34.05.328(5)(c)(iii).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The amended rule and new rule do not impose any additional requirements, reporting or otherwise, on businesses. The revisions are procedural and interpretive. The rules clarify and further define the department's interpretation of a "claim year" as referenced in RCW 50A.15.065 and define "sibling" in order to further clarify the definition of a qualifying family member.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: March 31, 2020	Signature: 
Name: April Amundson	
Title: Policy and Rules Manager	