



# 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 02, 2018

TIME: 1:18 PM

WSR 18-22-080

**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 Employment Security Department (ESD) is responsible for implementing the Paid Family and Medical Leave Program in accordance with Title 50A RCW. Rulemaking will be done in several distinct phases. In phase 2, ESD is establishing rules on: (1) Employer Responsibilities; (2) Small business assistance; and (3) penalties. This rulemaking also includes some aspects of voluntary plans.

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

New: WAC 192-01-001, 192-500-010, 192-500-015, 192-500-020, 192-500-025, 192-500-030, 192-500-035, 192-500-040, 192-510-045, 192-510-065, 192-510-066, 192-530-035, 192-530-060, 192-530-070, 192-540-010, 192-540-020, 192-540-025, 192-540-030, 192-540-040, 192-540-050, 192-550-010, 192-550-020, 192-550-030, 192-550-040, 192-550-050, 192-550-080, 192-560-010, 192-560-020, 192-560-030, 192-570-010, 192-570-020, and 192-800-002.

Repealed:

Amended: WAC 192-530-060

Suspended:

**Statutory authority for adoption:** RCW 50A.04.215

**Other authority:**

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

Adopted under notice filed as WSR 18-17-116 on August 16, 2018 (date).

Describe any changes other than editing from proposed to adopted version:

In WAC 192-500-030(1)(a), The word "means" was changed to "mean." The change is meant to resolve an accidental typographical error.

In WAC 192-510-066(2)(a), the words "Current quarter balance" were changed to "Most recently completed quarter's premium balance." This change is necessary to clarify that the payment is applied to the quarterly principle rather than to any interest or fees that may have been incurred.

WAC 192-540-030(1)(c) was stricken due to stakeholder feedback indicating that this requirement would result in an overly burdensome imposition to employers.

WAC 192-540-030(1)(d) was stricken due to stakeholder feedback indicating that this requirement would result in an overly burdensome imposition to employers.

WAC 192-540-030(1)(e) was stricken due to stakeholder feedback indicating that this requirement would result in an overly burdensome imposition to employers.

In WAC 192-540-030(1)(f), which is now WAC 192-540-030(1)(c), the words "and the associated hours" were added. This change incorporated WAC 192-540-(1)(g) and clarifies that all hours for which wages were paid in a quarter should be reported for that quarter.

WAC 192-540-030(1)(g) was stricken and its contents added to another subsection for conciseness.

In WAC 192-540-040(2), the phrase "full-time" was removed for conciseness.

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

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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	31	Amended	1	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	___	Repealed	___

**Date Adopted:** 11-2-18

**Name:** Matthew J. Buelow

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

**Signature:**

