

INTRODUCTION

As required under RCW 34.05.328, the Leave and Care Division of the Employment Security Department (department) is placing into the rulemaking file an implementation plan regarding amended and repealed rules related to the definition of “health care provider”, pandemic leave assistance, reportable wages for self-employed individuals, damages, backdating, weekly benefit claims, proration, and designated representatives.

Repealed Rules:

WAC 192-500-200 Pandemic leave assistance.

WAC 192-530-100 Are voluntary plans required to pay pandemic leave assistance benefits?

WAC 192-610-100 What is the attestation required for an employee claiming pandemic leave assistance?

Amended Rules:

WAC 192-500-090 Health care provider.

WAC 192-510-031 What are reportable wages for self-employed person electing coverage?

WAC 192-570-050 How are damages and liquidated damages assessed by the department, awarded, and paid?

WAC 192-610-040 Can an employee backdate an application for a weekly claim for benefits?

WAC 192-620-020 What information will the department request from an employee when filing for weekly benefits?

WAC 192-620-035 When will a weekly benefit amount be prorated?

WAC 192-800-150 Can an employee designate a representative to act on their behalf?

PLAN TO IMPLEMENT AND ENFORCE THE RULE

The department will integrate the rule amendments, effective February 16, 2025, into operational policy and discuss the rules with staff members. The content of the rules will also be integrated into the program’s technological functions to implement the changes, automate processes, and simplify the customer experience. The program’s webpage will be updated in accordance with the rule changes.

PLAN TO INFORM AND EDUCATE AFFECTED PERSONS ABOUT THE RULE

Information regarding the amendments will be posted on the department’s website and included in all relevant online literature. Customer service staff members will be trained on the subject matter of the rules and will be available by phone and email to answer customer questions. Emails are sent to all PFML mailing list subscribers summarizing the rulemaking processes and providing updates on any rules. Additional information, including the final text of the amendments, will be available on the program’s rulemaking website.

In addition, the department communicates new information to employers that includes:

- Regularly scheduled employer newsletters sent to interested parties informing them of upcoming changes; and
- Updates to the program webpages that include notices of new requirements and an Employer Toolkit with resources for employers and workers.

PLAN TO PROMOTE AND ASSIST VOLUNTARY COMPLIANCE

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rule.

PLAN TO EVALUATE WHETHER THE RULES ACHIEVE THE PURPOSE FOR WHICH THEY WERE ADOPTED

The department will consider feedback from customers and the stakeholder community to gauge the effectiveness and understanding of the changes to the rules.