



# 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: January 16, 2025

TIME: 2:11 PM

WSR 25-03-089

**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, Paid Family and Medical Leave program (Title 50A RCW) is adopting rule amendments and repealing rules. The amendments modify the definition of "health care provider" to include naturopathic physicians licensed under chapter 18.36A RCW, change gender-specific pronouns to gender-neutral pronouns, set a prevailing interest rate for late payments associated with damages to align with the interest rate for late premium payments, align backdating timelines associated with good cause with timelines associated with all other backdating reasons, align rule language with statutory language and agency practice that requires employees to report hours worked in self-employment on a weekly claim for benefits, and give the department discretion to allow for the designation of an authorized representative without written documentation in certain situations. Three rules related to the pandemic leave assistance program are being repealed because the program is no longer available due to statutory timelines.

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

New:

Repealed:

- 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:

- WAC 192-500-090 Health care provider.
- WAC 192-510-031 What are reportable wages for self-employed persons 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 or 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?

Suspended:

**Statutory authority for adoption:** RCW 50A.05.060

**Other authority:**

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

Adopted under notice filed as WSR 24-24-105 on December 4, 2024 (date).  
Describe any changes other than editing from proposed to adopted version:

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

Name: Janette Benham  
Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046  
Phone: 360-790-6583

Fax:  
 TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)  
 Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)  
 Web site: <https://paidleave.wa.gov/rulemaking/>  
 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		Amended		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	7	Repealed	3
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New		Amended	7	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	7	Repealed	3

**Date Adopted: January 16, 2025**

**Name:** April Amundson

**Title:** Policy and Rules Manager, ESPI, Leave and Care Programs

**Signature:**

