

AMENDATORY SECTION (Amending WSR 21-11-009, filed 5/7/21, effective 6/7/21)

WAC 192-560-010 Which businesses are eligible for small business assistance grants? (1) An employer determined to have (~~one hundred fifty~~) 150 or fewer employees in the state that is assessed the employer share of the premiums is eligible to apply for small business assistance grants as provided in chapter 50A.24 RCW.

(2) An employer determined to have fewer than (~~fifty~~) 50 employees is only eligible for a small business assistance grant if the employer opts to pay the employer share of the premiums.

(a) The employer will be assessed the employer share of the premiums for a minimum of (~~twelve~~) 12 consecutive calendar quarters beginning with the first calendar quarter after the most recent grant is approved.

(b) The employer may provide notice at any time after the approval of the grant to opt out of paying the employer share of the premiums.

(i) If the (~~twelfth~~) 12th consecutive quarter following approval of the grant has ended, the opt-out will become effective on the first day of the following quarter.

(ii) If the (~~twelfth~~) 12th consecutive quarter following approval of the grant has not ended, the opt-out will become effective on the first day of the (~~thirteenth~~) 13th quarter following approval of the grant.

(3) An employer is not eligible for a small business assistance grant if, at the time of application, the employer has outstanding and delinquent reports, outstanding and delinquent payments, or due and owing penalties or interest under Title 50A RCW.

(4) An employer may request only one grant per year for each employee who takes paid family or medical leave under this title. Submissions under (a) and (b) of this subsection do not qualify as grant applications and therefore do not count against the employer's limit of (~~ten~~) 10 applications per year.

(a) An employer that qualifies for a grant under RCW 50A.24.010 for an amount that is less than (~~one thousand dollars~~) \$1,000 may submit documentation of significant additional wage-related costs incurred after filing the initial grant application in an attempt to qualify for additional grant funds.

(b) An employer may submit a revised application for a grant under RCW 50A.24.010 in an attempt to qualify for additional grant funds.

(5) An employer must apply for any grant no later than four months following the last day of the employee's paid family or medical leave.

AMENDATORY SECTION (Amending WSR 21-04-067, filed 1/29/21, effective 3/1/21)

WAC 192-560-020 What is the application process for a small business assistance grant? (1) Applications for small business assistance grants must be submitted online or in another format approved by the department. To be approved, an application must contain:

- (a) The name and Social Security number or individual taxpayer identification number of the employee taking leave;
- (b) The amount and type of grant being requested; and
- (c) ~~((An explanation summarizing any personnel or significant additional wage-related costs that were taken because of an employee taking leave; and~~
- ~~(d)))~~ For businesses with:
- (i) Fewer than 50 employees, a written statement attesting that the employer hired a temporary worker or incurred other significant wage-related costs due to an employee's use of family or medical leave.
- (ii) Between 50 and 150 employees, written documentation including, but not limited to, personnel records related to the hiring of a new temporary employee, wage reports, and signed statements, showing the temporary worker hired or significant additional wage-related costs incurred are due to an employee's use of paid family or medical leave.
- (d) The department may require additional information as necessary to verify an employer's eligibility for a small business grant.
- (2) Incomplete applications will not be reviewed and will not count against an employer's limit of ~~((ten))~~ 10 applications per year under RCW 50A.24.010.
- (3) The department will deny the application for reasons including, but not limited to, the employer's failure to demonstrate that:
- (a) It hired a temporary worker or incurred any significant additional wage-related costs; or
- (b) The temporary worker hired or significant additional wage-related cost incurred was not due to an employee's use of family or medical leave.
- ~~(4) ((If a grant application is denied, the application will count against an employer's limit of ten applications per year.~~
- ~~(5)))~~ The denial of a grant application is appealable.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-560-011	What small business grants are available under pandemic leave assistance?
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