

**Paid Family and Medical Leave -
Proposed rules related to the implementation of Engrossed
Second Substitute House Bill 1213, Substitute Senate Bill
5191, and petitions for review**

October 2025

Introduction

The statewide Paid Family and Medical Leave (PFML) program under Title 50A RCW provides partial wage replacement when a qualified employee takes approved family or medical leave. The law gives the Employment Security Department (department) general rulemaking authority under RCW 50A.05.060 to administer the program.

The proposed amendments implement rules associated with the passage of Engrossed Second Substitute House Bill (E2SHB) 1213 and Substitute Senate Bill (SSB) 5191 in the 2025 Legislative Session. There is also an amendment regarding petitions for review.

These proposed rules were developed by the department and were filed in accordance with Chapter 34.05 RCW. The department completed this analysis in accordance with RCW 34.05.328(1).

Describe the proposed rules, including a brief history of the issue, and explain why the proposed rules are needed.

AMENDED RULES

WAC 192-500-010 Employer.

This amendment aligns the definition of “employer” with the legislative amendment mandated by SSB 5191.

WAC 192-500-185 Waiting period.

This amendment aligns the referenced minimum claim duration to that mandated by E2SHB 1213.

WAC 192-510-040 How does an employer's size affect liability for premiums and eligibility for small business assistance grants?

This amendment aligns small business assistance grant eligibility with the legislative amendments mandated by E2SHB 1213.

WAC 192-510-050 How will the department assess the size of new employers?

This amendment aligns employer sizing requirements for the purposes of premium liability and small business grant eligibility with the legislative amendments mandated by E2SHB 1213.

WAC 192-560-010 Which businesses are eligible for small business assistance grants?

This amendment aligns small business assistance grant eligibility with the legislative amendments mandated by E2SHB 1213.

WAC 192-560-020 What is the application process for a small business assistance grant?

This amendment aligns small business assistance grant eligibility with the legislative amendments mandated by E2SHB 1213.

WAC 192-620-005 What is the minimum claim duration?

This amendment aligns the referenced minimum claim duration to that mandated by E2SHB 1213.

WAC 192-700-015 How is employer size determined for employment protection?

This amendment clarifies that the size of an employer for the purposes of employment protection should be determined by the number of employees in Washington that appear on the employer's payroll.

WAC 192-700-020 When does an employer need to provide a continuation of health benefits to an employee who is on paid family or medical leave?

This amendment aligns an employer's requirement to continue health benefits to an employee during a period of paid family or medical leave with the legislative amendments mandated by E2SHB 1213.

WAC 192-800-100 What is the process for filing petition for review and any reply to the petition for review?

This amendment slightly modifies the deadline by which a petition for review must be filed with the commissioner's review office.

NEW RULES

WAC 192-700-008 What is the time frame in which an employer may apply FMLA leave to a period of PFML job protection?

This rule defines the 52-week period referenced in E2SHB 1213 in which employees may receive a maximum of 16 (or 18) weeks of job protection when PFML is used by itself or in conjunction with a period of leave under the federal family and medical leave act (FMLA).

WAC 192-700-025 How does an employee's use of leave under the federal family and medical leave act (FMLA) affect employment restoration rights?

This rule implements portions of E2SHB 1213 related to an employer's ability to reduce job protection under PFML by an equal duration of FMLA leave taken previously. It establishes and clarifies the notice requirements referenced in the bill.

WAC 192-700-030 Do employers need to provide a notice to employees regarding their employment restoration rights?

This rule implements portions of E2SHB 1213 related to an employer's responsibility to provide a notice to employees who take PFML for at least two weeks of their estimated job protection duration and expected return to work date.

REPEALED RULES

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

This rule is repealed because the RCW authorizing payment of these grants has expired.

Is a Significant Analysis required for these rules?

The proposed rules do not meet the definition of significant legislative rules under RCW 34.05.328 and do not require analysis. Each rule and the reason for the exemption is listed below.

WAC 192-500-010 Employer.	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-500-185 Waiting period.	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-510-040 How does an employer's size affect liability for premiums and eligibility for small business assistance grants?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-510-050 How will the department assess the size of new employers?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-560-010 Which businesses are eligible for small business assistance grants?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-560-011 What small business grants are available under pandemic leave assistance? (Repeal)	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-560-020 What is the application process for a small business assistance grant?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-620-005 What is the minimum claim duration?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.

WAC 192-700-008 What is the time frame in which an employer may apply FMLA leave to a period of PFML job protection?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-700-015 How is employer size determined for employment protection?	RCW 34.05.328(5)(a)(iv): The rule only clarifies language of a rule without changing its effect.
WAC 192-700-020 When does an employer need to provide a continuation of health benefits to an employee who is on paid family or medical leave?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-700-025: How does an employee's use of leave under the federal family and medical leave act (FMLA) affect employment restoration rights?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-700-030 Do employers need to provide a notice to employees regarding their employment restoration rights?	RCW 34.05.328(5)(a)(iii): The rule adopts without material change Washington state statutes.
WAC 192-800-100 What is the process for filing petition for review and any reply to the petition for review?	RCW 34.05.328(5)(c)(i): The rule is a procedural rule that amends a procedure, practice, or requirement relating to an agency hearing.

Clearly state in detail the general goals and specific objectives of the statute that the rules implement.

The Paid Family and Medical Leave program provides at least partial wage replacement when a qualified employee takes approved family or medical leave.

The goals and objectives of the Paid Family and Medical Leave Act, Title 50A RCW, are outlined in RCW 50A.05.005 and state in part:

“The demands of the workplace and of families need to be balanced to promote family stability and economic security. Access to paid leave is associated with many important health benefits. Research confirms that paid leave results in decreased infant mortality and more well-baby visits and reductions in maternal postpartum depression and stress. Paid leave increases the duration of breastfeeding, which supports bonding, stimulates positive neurological and psychological development, strengthens a child's immune system, and reduces the risks of serious or costly health problems such as asthma, acute ear infections, obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome. When fathers have access to paid leave they are more directly engaged during the child's first few months, thereby increasing father infant bonding and reducing overall stress on the family.”

Explain how the department determined that the rules are needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rules.

The proposed rules are needed to clarify key provisions of E2SHB 1213 and SSB 5191, which passed in the 2025 Legislative Session and were signed into law by the governor.

Failure to provide clarity would leave stakeholders without key information necessary to implement the changes mandated by the bills.

No alternatives to rulemaking were considered for any of the proposed rules.

Explain how the department determined that the probable benefits of the rules are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The proposed amended rules listed in the table above are not deemed significant under RCW 34.05.328 and don't require analysis. The rules will benefit the public by providing clarity and transparency in program administration.

Identify alternative versions of the rule that were considered and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

Adoption of the rule amendments will achieve the general goals and specific objectives of administering Title 50A and will provide clarification to the public. No alternative versions of the rules were considered. These rules were determined to be the least burdensome for those required to comply with them because they provide needed clarification regarding new legislative requirements.

Conflicts with Federal or State law

None of the rules conflict with federal or state law.

Performance impositions on private vs. public sectors

Since all employers and employees as defined in RCW 50A.05.010, regardless of public or private sector employment status, are required to participate in PFML, there is no evidence to suggest that any proposed rule will have a measurably different impact between the two sectors.

Conflicts with Federal or State regulatory bodies

None of the rules conflict with any applicable federal or state regulatory requirements.

Coordination with Federal, State, or local laws

The rules align with requirements of RCW 50A.10.030, RCW 50A.15.020, RCW 50A.24.010, RCW 50A.24.030, RCW 50A.35.010, and RCW 50A.35.020. They do not conflict with any federal, state, or local laws.