



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 22, 2025
TIME: 8:29 AM

WSR 25-21-149

Agency: Employment Security Department

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 25-12-056 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject)

Amending

WAC 192-500-010 Employer.

WAC 192-500-185 Waiting period.

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

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

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

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

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

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

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?

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

Adding

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

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?

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

Repealing

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

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 25, 2025	9:00am	Microsoft TEAMS Join online: link available at paidleave.wa/rulemaking Join by phone: 564-999-2000 PIN: 742 034 32#	

Date of intended adoption: On or after December 1, 2025

(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Janette Benham

Address Employment Security Department, PO Box 9046

Olympia, WA 98507-9046

Email rules@esd.wa.gov

Assistance for persons with disabilities:

Contact Teresa Eckstein, State EO Office

Phone 360-480-5708

Fax

Fax Other Beginning (date and time) _____ By (date and time) <u>November 25, 2025, 5pm</u>	TTY Email <u>teckstein@esd.wa.gov</u> Other By (date) <u>November 18, 2025</u>																
Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Employment Security Department (department), Leave and Care Division, is adopting rules for the Paid Family and Medical Leave (PFML) Program to implement portions of Engrossed Second Substitute House Bill (E2SHB) 1213 (Chapter 304, Laws of 2025) and Substitute Senate Bill (SSB) 5191 (Chapter 178, Laws of 2025). Rules include implementation of legislative changes related to benefit eligibility requirements, employer sizing, small business grants, definitions, and employment restoration rights. A procedural rule regarding the filing of a petition for review is also included.																	
Reasons supporting proposal: The proposed rules implement requirements of E2SHB 1213 and SSB 5191. An additional rule is also included to clarify deadlines regarding the filing of a petition for review.																	
Statutory authority for adoption: RCW 50A.05.060																	
Statute being implemented: RCW 50A.10.030, RCW 50A.15.020, RCW 50A.24.010, RCW 50A.24.030, RCW 50A.35.010, RCW 50A.35.020																	
Is rule necessary because of a: Federal Law? Federal Court Decision? State Court Decision? ☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No If yes, CITATION:																	
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:																	
Name of proponent: (person or organization) Type of proponent: ☐ Private. ☐ Public. ☐ Governmental.																	
Name of agency personnel responsible for: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th></th> <th style="text-align: left;">Name</th> <th style="text-align: left;">Office Location</th> <th style="text-align: left;">Phone</th> </tr> </thead> <tbody> <tr> <td>Drafting</td> <td>April Amundson</td> <td>Olympia, WA</td> <td>360-485-2816</td> </tr> <tr> <td>Implementation</td> <td>April Amundson</td> <td>Olympia, WA</td> <td>360-485-2816</td> </tr> <tr> <td>Enforcement</td> <td>April Amundson</td> <td>Olympia, WA</td> <td>360-485-2816</td> </tr> </tbody> </table>			Name	Office Location	Phone	Drafting	April Amundson	Olympia, WA	360-485-2816	Implementation	April Amundson	Olympia, WA	360-485-2816	Enforcement	April Amundson	Olympia, WA	360-485-2816
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Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No If yes, insert statement here: The public may obtain a copy of the school district fiscal impact statement by contacting: Name Address Phone Fax TTY Email Other																	
Is a cost-benefit analysis required under RCW 34.05.328? ☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name Address Phone Fax TTY Email Other ☒ No: Please explain:																	
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.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

- ☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- ☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.
- ☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:
- | | |
|---|---|
| ☐ RCW 34.05.310 (4)(b)
(Internal government operations) | ☐ RCW 34.05.310 (4)(e)
(Dictated by statute) |
| ☐ RCW 34.05.310 (4)(c)
(Incorporation by reference) | ☐ RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| ☒ RCW 34.05.310 (4)(d)
(Correct or clarify language) | ☒ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- ☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).
- ☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

WAC 192-500-010 Employer.	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-500-185 Waiting period.	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-510-040 How does an employer's size affect liability for premiums and eligibility for small business assistance grants?	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-510-050 How will the department assess the size of new employers?	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
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WAC 192-560-020 What is the application process for a small business assistance grant?	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
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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 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-700-015 How is employer size determined for employment protection?	RCW 34.05.310 (4)(d): This rule 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 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.

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 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-700-030: Do employers need to provide a notice to employees regarding their employment restoration rights?	RCW 34.05.310 (4)(e): The content of this rule is explicitly and specifically dictated by statute.
WAC 192-800-100 What is the process for filing petition for review and any reply to the petition for review?	RCW 34.05.310 (4)(g)(i): This rule amends a procedure, practice, or requirement relating to agency hearings.

(2) Scope of exemptions: *Check one.*

- ☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: October 22, 2025

Name: April Amundson

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

Signature:

