



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: October 22, 2025

TIME: 10:58 AM

WSR 25-21-158

Agency: Employment Security Department

Title of rule and other identifying information: (describe subject) The Employment Security Department (department) is proposing an expedited rule to incorporate reference to a law that was passed during the 2025 legislative session.

Amending:

WAC 192-700-010 Can an employer deny employment restoration?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Engrossed Substitute Senate Bill (ESSB) 5525 was passed during the 2025 legislative session and codified in statute under chapter 49.45 RCW. The new law addresses mass layoffs and business closures in Washington state, and sets new requirements for employers undergoing a business closure or mass layoff. The law exempts employees who are currently on Paid Family or Medical Leave (PFML) from being subject to a mass layoff except for under specific circumstances described in the law. PFML chapter 192-700 WAC addresses employment restoration and contains a section addressing the conditions in which an employer may deny employment restoration. This expedited rule will point to the new chapter of law in that section.

Reasons supporting proposal: RCW 34.05.353(1)(b) says that an agency can undergo expedited rulemaking where "The proposed rules adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes..." This proposed rule will incorporate by reference a new Washington state statute. We are proposing adding this reference so that people looking in our regulations will be able to find the new law.

Statutory authority for adoption: RCW 50A.05.060, ESSB 5525 (chapter 277, laws of 2025).

Statute being implemented: chapter 49.45 RCW

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Name of proponent: (person or organization) Employment Security Department, Leave and Care Division ☐ Private ☐ Public ☒ Governmental

Name of agency personnel responsible for:

	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

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed rule incorporates by reference a recently passed Washington state law. This is necessary so that people can find the new law within the department's regulations. The expedited rule conforms with RCW 34.05.353(1)(b).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Other:

BEGINNING (date/time) 11/5/2025 **AND RECEIVED BY** (date/time) December 22, 2025

Date: October 22, 2025

Name: April Amundson

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

Signature:

