

**December 2025**

## **Paid Family and Medical Leave**

### **Implementation of Engrossed Second Substitute House Bill 1213 and Substitute Senate Bill 5191**

#### **INTRODUCTION**

As required under RCW 34.05.328, the Leave and Care Division of the Employment Security Department (department) is placing into the rulemaking file an implementation plan regarding new rules and amendments regarding the Paid Family and Medical Leave (PFML) program to implement Engrossed Second Substitute House Bill (E2SHB) 1213 and Substitute Senate Bill 5191, which passed into law during the 2025 legislative session. The adopted rules implement portions of the bills and provide clarity to employers and employees related to new requirements pertaining to job protection, small business grants, health insurance continuation, minimum claim duration and other topics addressed by these bills. There is also a rule pertaining to deadlines for filing a petition with the Commissioner's Review Office.

#### Amended Rules:

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 of medical leave?

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

#### New Rules:

WAC 192-700-008 What is the time frame in which an employer may apply federal family and medical leave (FMLA) to a period of paid family and medical leave (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?

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Repealed Rule:

WAC 192-650-011 What small business grants are available under pandemic leave assistance?

PLAN TO IMPLEMENT AND ENFORCE THE RULE

The department will integrate the new, amended, and rescinded rules into operational policy and discuss the rules with staff members. The content of the rules will also be integrated into the program’s technological functions, to the extent possible, to implement the changes, automate processes, and simplify the customer experience.

PLAN TO INFORM AND EDUCATE AFFECTED PERSONS ABOUT THE RULE

Information regarding the new and amended rules will be posted on the department’s website and included in all relevant online literature. Customer service staff members will be trained on the subject matter of the rules and will be available by phone and email to answer customer questions. Emails are sent to all mailing list subscribers summarizing the rulemaking processes and providing updates on any rules. We are also preparing target communication to the employer community and creating notice templates for employers that will be available by January 1, 2026, the effective date of the E2SHB 1213. Additional information, including the final text of the rules, is available on the program’s rulemaking website.

PLAN TO PROMOTE AND ASSIST VOLUNTARY COMPLIANCE

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rules.

PLAN TO EVALUATE WHETHER THE RULES ACHIEVE THE PURPOSE FOR WHICH THEY WERE ADOPTED

The department will consider feedback from customers and the stakeholder community to gauge the effectiveness and understanding of the changes to the rules.