



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: December 05, 2025

TIME: 12:34 PM

WSR 26-01-027

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2026 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain: RCW 34.05.385(3)(a) – the rules implement legislation that has an effective date of January 1, 2026.

Purpose: The Paid Family and Medical Leave (PFML) program (Title 50A RCW) is adopting new and amended rules related to the implementation of Engrossed Second Substitute House Bill (E2SHB) 1213 (Chapter 304, Laws of 2025) and Substitute Senate Bill (SSB) 5191 (Chapter 178, Laws of 2025), which passed during the 2025 legislative session. In addition, there is an amended rule pertaining to deadlines for petitions for review submitted to the Commissioner’s Review Office.

Further, a rule related to pandemic leave assistance grants is repealed.

Citation of rules affected by this order:

New:

- 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?

Repealed:

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

Amended:

- 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?

Suspended:

Statutory authority for adoption: RCW 50A.05.060

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-21-149 on October 22, 2025 (date).

Describe any changes other than editing from proposed to adopted version: • WAC 192-560-010: Subsection (5) was stricken because it is duplicative of statutory language and is no longer consistent with Title 50A RCW as amended by HB 1213.

- WAC 192-700-025: Subsection (2) was amended to align this rule with the timeline described in WAC 192-700-008.
- WAC 192-700-025: Subsection (4) contained an incorrect pointer. The language that reads “...as described in subsection (1) of this section...” has been amended to read “...as described in subsection (3) of this section...”

- WAC 192-700-025: Subsection (5) contained an incorrect pointer. The language that reads “The notice described in subsection (2) of this section...” has been amended to read “The notice described in subsection (4) of this section...”
- WAC 192-700-025: Subsection (10) was added to clarify that any reference to unpaid leave taken under the federal family and medical leave as it related to eligibility for offsetting against future PFML leave as described in the proposed rules refers to any period of leave that is protected by the federal family and medical leave act regardless of whether the employee receives pay from another source (such as sick leave or an internal short-term disability benefit) during said leave.
- WAC 192-700-030: The words “under Title 50A RCW” were added after “period of leave” to clarify that the referenced leave is PFML leave.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Janette Benham
 Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046
 Phone: 360-790-6583
 Fax:
 TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)
 Email: rules@esd.wa.gov
 Web site: <https://paidleave.wa.gov/rulemaking/>
 Other:

**Note: If any category is left blank, it will be calculated as zero.
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
 A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	3	Amended	9	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency’s own initiative:

New		Amended	1	Repealed	1
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	3	Amended	10	Repealed	1
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	3	Amended	10	Repealed	1

Date Adopted: December 5, 2025

Name: April Amundson

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

Signature:

