



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 14, 2026

TIME: 3:50 PM

WSR 26-03-045

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (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:

Purpose: Engrossed Substitute Senate Bill (ESSB) 5525 was passed during the 2025 legislative session and was 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 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 rule will point to the new chapter of law in that section.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 192-700-010 Can an employer deny employment restoration?
- Suspended:

Statutory authority for adoption: RCW 50A.05.060; chapter 49.45 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-21-158 on October 22, 2025 (date).
Describe any changes other than editing from proposed to adopted version:

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

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 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	___	Amended	<u>1</u>	Repealed	___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	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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	___	Amended	<u>1</u>	Repealed	___

Date Adopted: January 14, 2026

Name: April Amundson

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

Signature:

