

Concise Explanatory Statement

Paid Family and Medical Leave

Rulemaking

WAC 192-800-150

Public Hearing: May 6, 2020

Contents

I.	Introduction.....	3
II.	Rules Summary and Agency Reasons for Adoption.....	4
III.	Changes to Rules.....	5
IV.	Public Comment and Responses	6

I. Introduction

The Employment Security Department (department) is developing rules to implement, clarify, and enforce Title 50A RCW. This document will serve as the Concise Explanatory Statement (CES) for this rulemaking, which covers procedures in the event an eligible employee passes away.

An informal public meeting was held to gather public comment on draft rules. Informal feedback was accepted on the draft rules through our online portal, by phone, in-person, and by email until the filing of the CR102. After the CR102 was filed, formal comments were accepted until 5 p.m. on May 6, 2020. The formal CR102 hearing was held on May 6, 2020 by conference call.

II. Rules Summary and Agency Reasons for Adoption

AMENDATORY SECTION

WAC 192-800-150 Can an employee designate a representative to act on their behalf? (1) The department may authorize another individual to act on the employee's behalf for the purposes of paid family and medical leave benefits if:

(a) An employee designates an authorized representative by submitting written documentation as required by the department;

(b) A court-appointed legal guardian with authority to make decisions on a person's behalf submits documentation as required by the department;

(c) An individual designated as an attorney-in-fact under a power of attorney submits documentation satisfactory to the department to act on the employee's behalf; or

(d) If an employee is unable to designate an authorized representative due to a serious health condition, an individual may represent the employee by submitting a complete and signed authorized representative designation form made available by the department, which must include:

(i) Documentation from the employee's health care provider certifying that the employee is incapable of completing the administrative requirements necessary for receiving paid family and medical leave benefits and is unable to designate an authorized representative to act on the employee's behalf; and

(ii) An affidavit or declaration authorized by RCW 9A.72.085 attesting to the responsibility to act in the employee's best interest.

(2) A person meeting the requirements under subsection (1) of this section may file an initial application and weekly claims up to and including the week in which the employee died subject to WAC 192-620-010.

(3) If an employee has been approved for benefit payments and the employee dies, an estate executor or administrator may file a weekly claim for the week in which the employee died.

(4) The department will terminate the authority given to the authorized representative:

(a) When the employee or authorized representative notifies the department verbally or in writing; or

(b) At the department's discretion.

~~((3))~~ (5) For the purposes of paid family and medical leave the term employee is used for both employee and authorized representative.

Agency reason for adoption: This rule provides clarity for designated representatives and estate executors on the time periods for which benefits may be payable on behalf of an eligible employee who has passed away.

III. Changes to Rules

None.

IV. Public Comment and Responses

Below is delineation of all comments received during the formal comment period on the proposed rules. All comments are either copied directly from the original written source (online portal post, email, hearing transcript, etc.) or paraphrased from the original verbal source (phone call, comment received at a presentation, etc.).

No comments were received for this rule.