## Title of rule and other identifying information:

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>192-500-080</td>
<td>Qualifying event. (Amendatory)</td>
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<td>192-500-170</td>
<td>Self-employed. (Amendatory)</td>
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<tr>
<td>192-500-185</td>
<td>Waiting period. (New)</td>
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<tr>
<td>195-510-010</td>
<td>Election, withdrawal, and cancellation of coverage. (Amendatory)</td>
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<td>192-510-020</td>
<td>Election of coverage for federally recognized tribes. (Amendatory)</td>
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<td>192-510-025</td>
<td>What wages are reportable to the department for premium assessment purposes? (Amendatory)</td>
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<td>192-510-040</td>
<td>How does an employer’s size affect liability for premiums and eligibility for small business assistance grants? (Amendatory)</td>
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<td>192-510-050</td>
<td>How will the department assess the size of new employer? (Amendatory)</td>
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<td>192-510-060</td>
<td>When are employer premium payments due? (Amendatory)</td>
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<td>192-510-065</td>
<td>When can an employer deduct premiums from employees? (Amendatory)</td>
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<td>192-510-085</td>
<td>How will the department assess premiums when a conditional premium waiver expires? (Amendatory)</td>
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<td>192-530-040</td>
<td>Voluntary plans-Notice requirements under RCW 50A.20.020 (Amendatory)</td>
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<td>192-550-010</td>
<td>What happens if an employer fails to submit required reports? (Amendatory)</td>
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<td>192-550-020</td>
<td>What happens if an employer willfully fails to remit required payments? (Amendatory)</td>
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<td>Can employer interest be waived? (Amendatory)</td>
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<td>192-560-020</td>
<td>What is the application process for a small business assistance grant? (Amendatory)</td>
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<td>192-570-020</td>
<td>Complaints regarding unlawful acts. (Amendatory)</td>
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<td>192-630-010</td>
<td>What happens if an interested party does not respond to the department’s request for information? (Amendatory)</td>
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<td>192-640-005</td>
<td>Definitions. (Amendatory)</td>
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<td>192-650-015</td>
<td>Are negotiated settlements of overpayments permitted? (Amendatory)</td>
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<td>192-700-005</td>
<td>When is an employee entitled to employment restoration after leave ends? (Amendatory)</td>
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<td>192-700-010</td>
<td>Can an employer deny employment restoration? (Amendatory)</td>
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<td>192-700-020</td>
<td>When does an employer need to provide a continuation of benefits to an employee who is on paid family or medical leave? (New)</td>
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<tr>
<td>192-810-010</td>
<td>Definitions. (New)</td>
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<td>192-810-020</td>
<td>Purpose. (New)</td>
</tr>
<tr>
<td>Hearing location(s):</td>
<td>Comment:</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Date: November 26, 2019</td>
<td>640 Woodland Square Loop SE, Lacey WA 98503</td>
</tr>
<tr>
<td>Time: 9:00 a.m.</td>
<td>Meeting will be in Park Place conference room</td>
</tr>
</tbody>
</table>

**Date of intended adoption:** November 27, 2019 (Note: This is NOT the effective date)

**Submit written comments to:**
Name: Christina Streuli
Address: Employment Security Department PO Box 9046 Olympia, WA 98507-9046
Email: rules@esd.wa.gov
Fax:
Other: Online portal: https://www.opentownhall.com/portals/289/forum_home?phase=open
By (date) November 26, 2019

**Assistance for persons with disabilities:**
Contact Teresa Eckstein, State EO Officer
Phone: 360-902-9345
Fax:
TTY: 711
Email: TEckstein@esd.wa.gov
Other:
By (date) November 19, 2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** These rules will provide further definitions for waiting week, address continuation of benefits, and address the updated pointers that resulted from recodification.

**Reasons supporting proposal:**
The rules will assist in meeting the requirements to implement payment of benefits to eligible employees by January 1, 2020 as mandated by Title 50A RCW. Additionally, the rules provide processes and definitions related to privacy as a result of the passage of SHB 1099.

**Statutory authority for adoption:**
RCW 50A.04.215

**Statute being implemented:** RCW 50A.05.010, 50A.15.020, 50A.10.030, Chapter 50A.25 RCW.

**Is rule necessary because of a:**
- Federal Law? ☒ Yes ☐ No
- Federal Court Decision? ☐ Yes ☐ No
- State Court Decision? ☐ Yes ☐ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**
Name of proponent: (person or organization) Employment Security Department, Paid Family and Medical Leave Division
☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Christina Streuli</td>
<td>Lacey, WA</td>
</tr>
<tr>
<td>Implementation:</td>
<td>April Amundson</td>
<td>Lacey, WA</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>April Amundson</td>
<td>Lacey, WA</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135?  ☒ Yes  ☐ No

The public may obtain a copy of the school district fiscal impact statement by contacting:
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under RCW 34.05.328?
☐ Yes:  A preliminary cost-benefit analysis may be obtained by contacting:
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:
☒ No:  Please explain: All proposed rules are exempt under RCW 34.05.328(5). After review of the proposed rules, the agency determined the rules do not impose more-than-minor costs on businesses because the rules are not significant legislative rules. Rules proposed are either interpretive, or procedural. The proposed rules set forth the agency's interpretation of statutory provisions governing verbiage for processes, clarifying definitions, providing clarification and procedure for privacy provisions, and update certain statutory references to reflect recodification of statutes.

Please see Significance Analysis for more information.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)
  (Internal government operations)
☐ RCW 34.05.310 (4)(c)
  (Incorporation by reference)
☒ RCW 34.05.310 (4)(d)
  (Correct or clarify language)
☐ RCW 34.05.310 (4)(e)
  (Dictated by statute)
☐ RCW 34.05.310 (4)(f)
  (Set or adjust fees)
☐ RCW 34.05.310 (4)(g)
  (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(c)(i), 34.05.238 (5)(c)(ii), and RCW 19.85.025(5).

Explanation of exemptions, if necessary:
RCW 34.05.328(5)(c)(ii) creates an exemption for interpretive rules. This exemption applies to portions of the proposal. RCW 34.05.328(5)(c)(i) creates an exemption for procedural rules. This exemption applies to portions of the proposal.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No   Briefly summarize the agency’s analysis showing how costs were calculated. ______

☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: 
Address: 
Phone: 
Fax: 
TTY: 
Email: 
Other: 

Date: October 15, 2019
Name: April Amundson
Title: Policy and Rules Manager

Signature: