

Final Significance Analysis  
Title 50A RCW  
Paid Medical and Family Leave

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## Introduction

In 2017, the Washington State Legislature passed Substitute Senate Bill 5975 relating to Paid Family and Medical Leave (PFML). Substitute Senate Bill 5975 was codified as Title 50A RCW.

Title 50A RCW creates a statewide Paid Family and Medical Leave insurance program that provides for at least partial wage replacement when a qualified employee takes leave for an approved reason related to family or medical leave. The statute requires the state to develop rules implementing the program.

In 2019, the Washington State Legislature passed Substitute House Bill 1399, which made several material changes to the program's operation. Rules were required to bring the program into compliance with these changes.

These rules were developed by the Employment Security Department (the department) and were filed in compliance with general rulemaking processes of chapter 34.05 RCW. This filing contains rules related to privacy provisions passed in SHB 1399, modifies definitions, clarifies what wages are for premium purposes, and clarifies continuation of benefits related to an employee on leave.

## Chapter 1: Describe the proposed rules, including a brief history of the issue, and explain why the proposed rules are needed.

### AMENDATORY SECTION

**WAC 192-500-080 Qualifying event.** A "qualifying event" is:

(1) For family leave, events described in RCW ((~~50A.04.010~~)) 50A.05.010 (9).

(2) For medical leave, events described in RCW ((~~50A.04.010~~)) 50A.05.010 (14).

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

### AMENDATORY SECTION

**WAC 192-500-170 Self-employed.** (1) A "self-employed" person is:

(a) A sole proprietor;

(b) A joint venturer or a member of a partnership that carries on a trade or business, contributes money, property, labor or skill and shares in the profits or losses of the business;

(c) A member of a limited liability company;

(d) An independent contractor who works as described in RCW ((~~50A.04.010~~)) 50A.05.010 (7) (b) (ii); or

(e) Otherwise in business for oneself as indicated by the facts and circumstances of the situation, including a part-time business.

(2) A corporate officer is an employee and not self-employed.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

### NEW SECTION

**WAC 192-500-185 Waiting period.** (1) A "waiting period" is the first seven consecutive calendar days beginning with the Sunday of the first week an eligible employee starts taking paid family or medical leave.

(2) An employee will satisfy the waiting period requirement if the employee takes at least eight consecutive hours of leave during the first week of the employee's paid family or medical leave claim.

(3) An employee will not receive a benefit payment for hours claimed during the waiting period.

(4) Subject to subsection (6) of this section, an employee must only meet the requirement of one waiting period in a claim year.

(5) If an employee is denied eligibility for a period of time that satisfied the waiting period requirement, the waiting period requirement will not be deemed satisfied for a future claim for which the employee is deemed eligible.

(6) The waiting period does not apply to family leave taken for bonding after the child's birth or placement.

(7) An employee's use of paid time off for all of or any portion of the waiting

The department identified the importance and need to further define a waiting period to both inform customers of the requirements and clarify operational policy.

#### AMENDATORY SECTION

##### **WAC 192-510-010 Election, withdrawal, and cancellation of coverage.**

(1) Self-employed persons as defined in RCW ((50A.04.105))

50A.10.010(1) and federally recognized tribes as defined in RCW ((50A.04.110)) 50A.10.020 may elect coverage under Title 50A RCW.

(2) Notice of election of coverage must be submitted to the department online or in another format approved by the department.

(3) Elective coverage begins on the first day of the quarter immediately following the notice of election.

(4) A period of coverage is defined as:

(a) Three years following the first day of elective coverage or any gap in coverage; and

(b) Each subsequent year.

(5) Any self-employed person or federally recognized tribe may file a notice of withdrawal within thirty calendar days after the end of each period of coverage.

(6) A notice of withdrawal from coverage must be submitted to the department online or in another format approved by the department.

(7) Any levy resulting from the department's cancellation of coverage is in addition to the due and unpaid premiums and interest for the remainder of the period of coverage.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

##### **WAC 192-510-020 Election of coverage for federally recognized tribes.**

(1) Federally recognized tribes electing coverage are employers as defined in RCW ((50A.04.010)) 50A.05.010 and are subject to all rights and responsibilities under Title 50A RCW.

(2) Employees of federally recognized tribes that elect coverage are employees as defined in RCW ((50A.04.010)) 50A.05.010 and are subject to all the rights and responsibilities under Title 50A RCW.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-510-025 What wages are reportable to the department for premium assessment purposes?** (1) Examples of wages reportable to the department for premium assessment purposes include, but are not limited to:

- (a) Salary or hourly wages;
- (b) Cash value of goods or services given in the place of money;
- (c) Commissions or piecework;
- (d) Bonuses;
- (e) Cash value of gifts or prizes;
- (f) Cash value of meals and lodging when given as compensation;
- (g) Holiday pay;
- (h) Paid time off, including vacation leave and sick leave, as well as associated cash outs, unless these wages are considered supplemental benefit payments provided by the employer;
- (i) ~~((Bereavement leave;~~
- ~~((j)))~~ Separation pay including, but not limited to, severance pay, termination pay, and wages in lieu of notice;
- ~~(((\*)))~~ (j) Value of stocks at the time of transfer to the employee if given as part of a compensation package;
- ~~(((+)))~~ (k) Compensation for use of specialty equipment, performance of special duties, or working particular shifts; and
- ~~(((#)))~~ (l) Stipends/per diems unless provided to cover a past or future cost incurred by the employee as a result of the performance of the employee's expected job functions.

(2) Examples of what the department will not consider wages include, but are not limited to:

- (a) A payment from an employer benefit that is not part of the employee's standard compensation.

**Example:** While on paid medical leave, an employee receives sixty-one percent of the employee's typical weekly wage from the state. Through an internal short-term disability benefit, the employer pays the employee the remaining thirty-nine percent of the employee's typical weekly wage as a supplemental benefit payment, bringing the employee's total benefit to one hundred percent of the employee's typical weekly wage. Since this supplemental benefit payment is not part of the

employee's standard compensation, it is not considered a wage, and should not be reported on either the employee's weekly claim or the employer's quarterly report.

(b) Any payment made to an employee to cover a past or future cost incurred by the employee related to the performance of the employee's expected job functions. Such costs include, but are not limited to, costs of meals and travel.

**Example:** An employer pays a per diem to an employee on a business trip to cover the cost of local travel and meals. This amount is not considered a wage, even if the per diem exceeds the actual cost incurred.

(c) The amount of any payment made (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) to, or on behalf of, an individual or the individual's dependents under a plan or system established by an employer which makes provision generally for individuals performing service for the employer (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of:

- (i) Retirement;
- (ii) (~~(Sickness or accident)~~) Short-term or long-term disability;
- (iii) Medical or hospitalization expenses in connection with sickness or accident disability; or
- (iv) Death.

To align with unemployment insurance reporting requirements, the department is removing bereavement leave from what would be considered a wage that is subject to premium assessment. Additionally, the department determined further clarification was needed on disability payments.

#### AMENDATORY SECTION

**WAC 192-510-040 How does an employer's size affect liability for premiums and eligibility for small business assistance grants?** (1) To assess premiums and determine eligibility for small business assistance grants, the department must determine the size of each applicable employer. The department will only count the number of in-state employees as defined in RCW (~~(50A.04.010)~~) 50A.05.010(4) when calculating employer size.

(2) If the department determines that the employer's status has changed as it relates to premium liability, the department will notify the employer. This notification will include the following information:

(a) If the employer was determined to have fifty or more employees for the preceding calendar year, and the employer is then determined to

have fewer than fifty employees for the subsequent calendar year, the employer will not be required to pay the employer portion of the premium for the next calendar year; or

(b) If the employer was determined to have fewer than fifty employees for the preceding calendar year, and the employer is then determined to have fifty or more employees for the subsequent calendar year, the employer will be required to pay the employer portion of the premium for the next calendar year.

**Example:** On September 30, 2018, a business is determined to have had 53 employees on average during the previous four completed quarters, which covers July 1, 2017, through June 30, 2018. The employer is liable for the employer portion of premiums for 2019. On September 30, 2019, the business is determined to have had 48 employees on average during the previous four completed quarters, which covers July 1, 2018, through June 30, 2019. The employer is no longer liable for the employer share of premiums for 2020.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-510-050 How will the department assess the size of new employers?** An employer that has not been in business in Washington long enough to report four calendar quarters by September 30th will have its size calculated after the second quarter of reporting is due by averaging the number of employees reported over the quarters for which reporting exists. Premium assessment based on this determination will begin on this reporting date. This size determination remains in effect until the following September 30th pursuant to RCW ((50A.04.115)) 50A.10.030 (8) (c).

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-510-060 When are employer premium payments due?** (1) Premiums must be paid quarterly. Each payment must include the premiums owed on all wages subject to premiums during that calendar quarter. Payments are due to the department by the last day of the month following the end of the calendar quarter for which premiums are being paid. (2) Payments made by mail are considered paid on the postmarked date. If the last day of the month falls on a Saturday, Sunday, or a legal holiday, the premium payment must be postmarked by the next business day.



(3) Premium payments are due within ten calendar days when a business is dissolved or the account is closed by the department. Premiums not paid timely are delinquent and subject to interest under RCW ((50A.04.140)) 50A.45.025.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-510-065 When can an employer deduct premiums from employees?**

- (1) An employer may not deduct more than the maximum allowable employee share of the premium from wages paid for a pay period.
- (2) If an employer fails to deduct the maximum allowable employee share of the premium from wages paid for a pay period, the employer is considered to have elected to pay that portion of the employee share under RCW ((50A.04.115)) 50A.10.030 (3) (d) for that pay period. The employer cannot deduct this amount from a future paycheck of the employee for a different pay period.
- (3) Subsections (1) and (2) of this section do not apply if an employer was unable to deduct the maximum allowable employee share of the premium for a pay period due to a lack of sufficient employee wages for that pay period.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-510-085 How will the department assess premiums when a conditional premium waiver expires?** (1) If an employee who is exempt from premiums under a conditional waiver works eight hundred twenty hours in any period of four consecutive quarters, the waiver will be determined to have expired.

- (2) Upon expiration of a conditional premium waiver, the department will assess and notify:
- (a) The employer of all the owed employer premiums; and
- (b) The employee of all the owed employee premiums.
- (3) Payment will be due upon receipt of the assessment.
- (4) Failure to pay the assessment by the required date will result in the accrual of interest under RCW ((50A.04.140)) 50A.45.025.
- (5) Upon payment of the employee premiums, the employee will be credited for the hours worked and will be eligible for benefits under Title 50A RCW as if the premiums were originally paid.

*(6) Nothing in this section prevents the employer from paying part or all of the employee's share of the premiums.*

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

AMENDATORY SECTION

**WAC 192-530-040 Voluntary plans—Notice requirements under RCW**

*((50A.04.075)) **50A.20.020**. (1) The department will provide a notice that meets the requirements of RCW ((50A.04.075)) **50A.20.020** to employers with approved voluntary plans if requested.*

*(2) Employers may create their own notices that meet the requirements of RCW ((50A.04.075)) **50A.20.020**. Each employer must provide a copy of its voluntary plan notice to the department for approval. The notice must be submitted online or in another format approved by the department and must contain at least the same information as the state notice.*

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

AMENDATORY SECTION

**WAC 192-550-010 What happens if an employer fails to submit required reports?** *(1) An employer that willfully fails to file a complete and timely report under WAC 192-540-030 through 192-540-050 is subject to penalties under RCW ((50A.04.090)) **50A.45.010**.*

*(2) The department will send a warning letter for an employer's first incomplete or untimely report. For a second or subsequent occurrence within five years of the date of the last occurrence, the department will assess penalties under the following schedule:*

*(a) 2nd occurrence: \$75.00*

*(b) 3rd occurrence: \$150.00*

*(c) 4th and subsequent occurrences: \$250.00*

*(3) After five years without a warning letter or occurrence, prior occurrences will not count and the employer shall receive a warning letter instead of a penalty on the next occurrence.*

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

AMENDATORY SECTION

**WAC 192-550-020 What happens if an employer willfully fails to remit required payments?** (1) An employer that willfully fails to remit payment for premiums in full when due is subject to penalties under RCW ((50A.04.090)) 50A.45.010 in addition to accruing interest under WAC 192-550-030.

(2) The total amount of the penalty will be equal to the entire balance of premiums not remitted and any interest accrued on those delinquent premiums.

**Example:** If an employer owes \$300 in premium payments and \$20 in interest, the penalty for willfully failing to remit payment will equal \$320, for a sum total due and owing of \$640.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-550-040 Can employer interest be waived?** (1) An employer may submit to the department an interest waiver request that includes all relevant facts, including all available proof, as to why it is requesting a waiver under RCW ((50A.04.140)) 50A.45.025.

(2) At its discretion, the department may waive interest if it finds that the interest was caused by the department's own error or the department's inability to decide the issue.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-560-020 What is the application process for a small business assistance grant?** (1) Applications for small business assistance grants must be submitted online or in another format approved by the department. To be approved, an application must contain:

- (a) The name and Social Security number or individual taxpayer identification number of the employee taking leave;
- (b) The amount and type of grant being requested;
- (c) An explanation summarizing any personnel or significant additional wage-related costs that were taken because of an employee taking leave; and
- (d) Written documentation including, but not limited to, personnel records related to the hiring of a new temporary employee, wage reports, and signed statements, showing the temporary worker hired or

significant additional wage-related costs incurred are due to an employee's use of leave.

(2) Incomplete applications will not be reviewed and will not count against an employer's limit of ten applications per year under RCW ((50A.04.230)) 50A.24.010(4).

(3) The department will deny the application for reasons including, but not limited to, the employer's failure to demonstrate that:

(a) It hired a temporary worker or incurred any significant additional wage-related costs; or

(b) The temporary worker hired or significant additional wage-related cost incurred was not due to an employee's use of family or medical leave.

(4) If a grant application is denied, the application will count against an employer's limit of ten applications per year.

(5) The denial of a grant application is appealable.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-570-020 Complaints regarding unlawful acts.** (1) It is unlawful for an employer to discriminate against any employee for a reason specified in RCW ((50A.04.085)) 50A.40.010. When the department receives notification from an employee that discrimination may have occurred the department will investigate the allegation and issue a determination. The determination will include any remedies available under RCW ((50A.04.100)) 50A.40.030.

(2) Nothing in the chapter shall be construed to prohibit a private right of action under all applicable laws.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-630-010 What happens if an interested party does not respond to the department's request for information?** (1) If an interested party fails to respond by the due date on the notice provided under WAC 192-630-005, the department will make a determination based on available information.

(2) Subject to RCW ((50A.04.510)) 50A.50.030, if benefits are denied because the employee did not respond to a request for information, the denial will remain in effect until the employee provides sufficient

information to establish that the employee is qualified for paid family or medical leave.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

AMENDATORY SECTION

**WAC 192-640-005 Definitions.** For purposes of this chapter:

- (1) "Overpayment" means any or all of the following:
  - (a) Payment of any paid family or medical leave benefits to which the department determines the employee is not entitled;
  - (b) Penalties assessed under RCW ((~~50A.04.045~~)) 50A.15.060; or
  - (c) Interest accrued under RCW ((~~50A.04.065~~)) 50A.15.090.
- (2) "Equity and good conscience" means fairness as applied to each individual case after considering the totality of the circumstances.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

AMENDATORY SECTION

**WAC 192-650-015 Are negotiated settlements of overpayments permitted?**

- (1) The department can accept a negotiated settlement to repay a debt of overpayment under RCW ((~~50A.04.185~~)) 50A.45.070. Except as provided in subsection (3) of this section, a negotiated settlement of the overpayment for less than the full amount owed will be considered when requiring an employee to repay the full amount would be against equity and good conscience as defined in WAC 192-640-005.
- (2) In considering settlement offers, the department will first consider whether it is financially advantageous to the department to collect the debt. The department may also consider:
  - (a) The age and amount of the overpayment;
  - (b) The number of prior contacts with the employee;
  - (c) If the employee previously made good faith efforts to pay the debt;
  - (d) The ability to enforce collection; or
  - (e) Other information relevant to the employee's ability to repay the debt.
- (3) Except in unusual circumstances, a settlement offer will not be accepted when the employee's overpayment is the result of fraud. Unusual circumstances that may warrant a negotiated settlement of the overpayment and associated penalties include, but are not limited to, long-term or terminal illness, severe permanent disability, or other circumstances that seriously impair the employee's long-term ability to generate income.

(4) The department's decision to accept or reject a settlement offer is not subject to appeal. If the department rejects the settlement offer, the employee is permitted to make another offer if the employee's circumstances change.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-700-005 When is an employee entitled to employment restoration after leave ends?** (1) Subject to RCW ((50A.04.025)) 50A.35.010(3), an employee who meets the criteria listed in RCW ((50A.04.025)) 50A.35.010 (6) (a) who takes leave under Title 50A RCW is entitled, on return from the leave, to be restored by the employer to:

- (a) The position of employment held by the employee when the leave commenced; or
- (b) An equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(i) "Equivalent position" means a position that is nearly identical to the employee's former position as if the employee did not take extended leave. This includes pay, benefits and working conditions, privileges, perks, location, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(ii) "Employment benefits" includes all benefits provided or made available to employees by an employer such as:

- (A) Insurance;
- (B) Paid time off;
- (C) Educational benefits; or
- (D) Retirement benefits.

(2) An employee is entitled to such reinstatement even if the employee has been replaced or the employee's position has been restructured to accommodate the employee's absence unless the employer can demonstrate the circumstances fall within WAC 192-700-010(1).

(3) The protections provided in RCW ((50A.04.025)) 50A.35.010 and this section apply to the employee beginning with the date the employee starts taking leave.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

#### AMENDATORY SECTION

**WAC 192-700-010 Can an employer deny employment restoration?** (1) An employee is not entitled to employment protection under Title 50A RCW if:

(a) An employer exercises its right to deny restoration under RCW ((50A.04.025)) 50A.35.010 (6) (b) and the employee has elected not to return to employment after receiving notice under subsection (2) of this section; or

(b) The employer is able to show that an employee would not otherwise have been employed at the time of reinstatement.

(2) An employer that chooses to deny restoration under subsection (1) (a) or (b) of this section to an employee on paid medical or family leave must notify the employee in writing as soon as the employer decides to deny restoration. The employer must serve this notice to the employee either in person or by certified mail. The notice must include:

(a) A statement that the employer intends to deny employment restoration when the leave has ended;

(b) The reasons behind the decision to deny restoration;

(c) An explanation that health benefits will still be paid for the duration of the leave; and

(d) The date in which eligibility for employer-provided health benefits ends.

(3) Employers that choose to deny restoration are required to adhere to the continuation of health benefits in RCW ((50A.04.245)) 50A.35.020 for the remainder of the employee's approved leave.

This rule corrects references to statute that was recodified by SHB 1399. No other changes were made.

**NOTE:** Draft WAC 192-700-020 has been withdrawn based on stakeholder feedback. PFML will be giving this regulation further consideration before promulgating the concept.

## **Chapter 192-810 WAC**

### **PUBLIC DISCLOSURE AND PRIVACY FOR PAID FAMILY AND MEDICAL LEAVE**

#### NEW SECTION

**WAC 192-810-010 Definitions.** (1) The definitions set forth in RCW 42.56.010 apply to this chapter unless context clearly requires otherwise.

(2) "Public records officer" means the departmental employee responsible for responses to requests for public records or that person's designee.

(3) "Department" means the employment security department.

*(4) An employer's "own records" as used in RCW 50A.25.040 means records and information provided to the department by the employer or the employer's predecessor in interest.*

These definitions provide clarity for the rules in chapter 192-810 WAC related to public disclosure and privacy. The definitions help the community understand the scope of the other public disclosure and privacy provisions promulgated by rule.

#### NEW SECTION

**WAC 192-810-020 Purpose.** *The purpose of this chapter is to provide rules for the paid family and medical leave program in implementing chapter 42.56 RCW relating to public records and chapter 50A.25 RCW relating to records and information deemed private and confidential by the paid family and medical leave program.*

This rule is needed to clarify the purpose of adopting rules related to records and information deemed private and confidential by the PFML program. Because the Employment Security Department administers different programs that operate under different disclosure and privacy laws, this specificity helps the public understand which laws governs PFML disclosures.

#### NEW SECTION

**WAC 192-810-030 How do individuals and entities request records from the department?** *(1) The department will manage all records re-quests consistent with the provisions of chapter 42.56 RCW.*

*(2) Requests for public records shall be submitted to the public records officer. Contact the public records officer at:*

*Public Records Officer*

*P.O. Box 9046*

*Olympia, WA 98507-9046*

*Phone: 1-844-766-8930*

*Email: Recordsdisclosure@esd.wa.gov*

*(3) If an individual requests records or information concerning that individual held by the department under RCW 50A.25.040(1), those records must be released only to the requesting individual.*

*(4) If an individual submits a records request and asks that the requested records be sent to a third party directly, the individual must follow the provisions of RCW 50A.25.040(3).*



This rule is needed to describe the process by which individuals and entities may request records from the department.

NEW SECTION

**WAC 192-810-040 Misuse or unauthorized disclosure.** (1) *If misuse or an unauthorized disclosure of records or information deemed private and confidential under chapter 50A.25 RCW occurs, each party involved in the data-sharing that is aware of the misuse or unauthorized disclosure must inform the department within two business days of the discovery of the data security breach.*

*(2) In addition to informing the department of the misuse or unauthorized disclosure, the party responsible for the disclosure must take all reasonably available actions to rectify the disclosure to the department's standards. In most cases, these actions will include, at a minimum:*

*(a) Ceasing any continued release;*

*(b) Informing all individual whose data may have been released improperly of the situation; and*

*(c) Providing identity protection mechanisms at no charge to the individuals whose data may have been released.*

Under state statute, parties with access to records or information deemed private and confidential under the PFML program must take steps to ensure the security of that information. The statute also requires parties that are aware of a breach of security to take actions to notify the department and rectify the situation. This rule is necessary to describe the responsibilities and required actions of a party that is aware of misuse or unauthorized disclosure of records or information deemed private and confidential under this program.

## Chapter 2: Is a Significance Analysis required for these rules?

Rules requiring a significance analysis.

None.

Rules not requiring a significant analysis.

The following rules do not require a Significance Analysis because they either:

1. Adopt, amend, or repeal: a) Any procedure, practice, or requirement relating to any agency hearings; b) Any filing or related process requirement for making application to an agency for a license or permit; or c) Any policy statement pertaining to the consistent internal operations of an agency (RCW 34.05.328(5)(c)(i));
2. Set forth the agency's interpretation of statutory provisions it administers, the violation of which does not subject a person to a penalty or sanction (RCW 34.05.328(5)(c)(i));
3. Adopt or incorporate by reference without material change federal statutes or regulations, Washington State statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule (RCW 34.05.328(5)(b)(iii));
4. Only correct typos, address or name changes, or clarify language without changing effect (RCW 34.05.328(5)(b)(iv));

WAC Section	Section Title	Exempting reason	Exempting statute
192-500-080	Qualifying event.	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-500-170	Self-employed	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-500-185	Waiting period.	Interpretive	RCW 34.05.328(5)(c)(i)
195-510-010	Election, withdrawal, and cancellation of coverage	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-510-020	Election of coverage for federally recognized tribes.	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-510-025	What wages are reportable to the department for premium assessment purposes?	Procedural rule	RCW 34.05.328(5)(c)(i)
192-510-040	How does an employer's size affect liability for premiums and eligibility for small business assistance grants?	Addresses recodification	RCW 34.05.328(5)(b)(iv)

192-510-050	How will the department assess the size of new employer?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-510-060	When are employer premium payments due?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-510-065	When can an employer deduct premiums from employees?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-510-085	How will the department assess premiums when a conditional premium waiver expires?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-530-040	Voluntary plans-Notice requirements under RCW 50A.20.020	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-550-010	What happens if an employer fails to submit required reports?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-550-020	What happens if an employer willfully fails to remit required payments?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-550-040	Can employer interest be waived?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-560-020	What is the application process for a small business assistance grant?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-570-020	Complaints regarding unlawful acts	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-640-005	Definitions	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-650-015	Are negotiated settlements of overpayments permitted?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-700-005	When is an employee entitled to employment restoration after leave ends?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-700-010	Can an employer deny employment restoration?	Addresses recodification	RCW 34.05.328(5)(b)(iv)
192-810-010	Definitions.	Procedural rule	RCW 34.05.328(5)(c)(i)
192-810-020	Purpose	Procedural rule	RCW 34.05.328(5)(c)(i)
192-810-030	How do individuals and entities request records from the department?	Procedural rule	RCW 34.05.328(5)(c)(i)
192-810-040	Misuse or unauthorized disclosure.	Procedural rule	RCW 34.05.328(5)(c)(i)

**Chapter 3:** Clearly state in detail the general goals and specific objectives of the statute that the rules implement.

N/A

**Chapter 4:** Explain how the department determined that the rules are needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rules.

N/A

**Chapter 5:** Explain how the department determined that the probable benefits of the rules are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

N/A

**Chapter 6:** Identify alternative versions of the rule that were considered and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

N/A

## Chapter 7: Conflicts with Federal or State law

None of the rules analyzed in this Significance Analysis conflict with Federal or State law.



## **Chapter 8: Performance impositions on private vs. public sectors**

Since all employers and employees, regardless of public or private sector employment status, are required to participate in Paid Family and Medical Leave, there is no evidence to suggest that any proposed rule will have a measurably different impact between the two sectors.

## **Chapter 9: Conflicts with Federal or State regulatory bodies**

None of the rules analyzed in this Significance Analysis conflict with any applicable Federal or State regulatory requirements.

## **Chapter 10: Coordination with Federal, State, or local laws**

There are no other Federal, State, or local laws applicable to the rules analyzed in this Significance Analysis.