

Phase Four rules post-adoption notice

On July 6, 2019, new rules related to the Paid Family and Medical Leave program took effect. The rules provide guidance on topics such as:

- Wages that are liable for premium assessment
- Details relating to the initial application and how an employee can cancel or reopen it
- How an employee can file for and receive weekly benefits
- Factors the department will consider when determining fraud
- How the department will make a determine when information is missing or unavailable

Premiums will be assessed on all wages paid to employees by employers. Guidance on what the department considers a wage is provided in these rules. Late payments are subject to penalties as prescribed under Title 50A RCW.

An employer may not require an employee take any other type of leave prior to or in place of Paid Family and Medical Leave.

The department may engage in fact-finding with employers to determine an employee's eligibility for benefits. Such communication will be provided to the employer accompanied by a due date by which the employer must respond. If the employer elects not to respond, the department will make a determination using available information.

Several public rulemaking meetings and two public hearings were held to give employers opportunities to provide feedback on these rules. An employer toolkit is available at <http://paidleave.wa.gov>, and paid advertising is ongoing to inform employers of their responsibilities under Title 50A RCW.

Any person may petition the agency to initiate a change in rule. Petitions can be found on the Office of Financial Management's website. Completed forms can be submitted electronically to Rules@esd.wa.gov.

This communication constitutes the post-adoption notice required by RCW 34.05.362.