

Phase Five rules post-adoption notice

On August 31, 2019, new rules related to the Paid Family and Medical Leave program took effect. The rules provide guidance on topics such as:

- How parties to an exempting collective bargaining agreement may elect to be covered by Title 50A RCW
- Hour and wage reporting
- Benefit overpayments
- Employment restoration
- How the department will identify separate business entities
- Employee guidance

Parties to an unexpired collective bargaining agreement that was in effect on October 19, 2017 and has not been reopened or renegotiated are not subject to any rights or responsibilities under Title 50A RCW. However, if all parties to the agreement agree to become subject to Paid Family and Medical Leave, they may do so by submitting a memorandum of understanding, letter of agreement, or similar document that has been signed by all parties to the department.

Employers are required to report wages paid to employees and the hours associated with those wages to the department on a quarterly basis. More information on this may be found [here](#).

Employees that meet certain criteria are eligible for employment restoration upon returning from a period of paid family or medical leave. Employees are entitled to the same position or similar position if the employee:

- Works for an employer with at least 50 employees;
- Has been employed by that employer for a total of at least one year; and
- Has performed at least 1,250 hours of work for that employer over the 12 months immediately preceding the commencement of leave

If a single employer has structured their business in such a way as to appear to be multiple smaller entities with the intent to avoid premium assessment, the department reserves the right to determine that the employer must report as a single entity for the purposes of Paid Family and Medical Leave.

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.