

WSR 21-11-077
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed May 17, 2021, 4:11 p.m.]

Subject of Possible Rule Making: The paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes based on programmatic needs. This preproposal statement of inquiry includes, but is not limited to, consideration of rules related to benefit proration, backdating, and other clarifying guidance regarding benefit eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. The department is considering the following rules to contribute to that guidance.

The department will consider updating language in WAC 192-620-035 regarding benefit proration to ensure proper benefit payment in the first and last week of an employee's leave.

The department will also consider establishing guidelines regarding how long after a qualifying event an employee may file an initial application for benefits without the need to demonstrate good cause for backdating.

The department will also consider codifying additional guidance regarding eligibility for benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the employment security department.

Process for Developing New Rule: The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-485-2816, TTY Theresa Eckstein, state EO office, 771 or 360-902-9354, email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

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