

WSR 22-04-040

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 26, 2022, 9:23 a.m., effective February 26, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The adopted rule implements section 7, chapter 112, Laws of 2021 (SHB 1323), as codified under RCW 50B.04.095. The bill, among other things, provides a pathway for federally recognized tribes to elect WA Cares program coverage. The bill also requires the employment security department to adopt rules to implement the section. Consistent with the elective coverage administrative rules for tribes under the paid family and medical leave program, the adopted rule states that any employees are considered employees as that term is defined under the law. The adopted rule provides guidance to federally recognized tribes that may be interested in electing program coverage.

Citation of Rules Affected by this Order: New WAC 192-910-025 Election of coverage for federally recognized tribes.

Statutory Authority for Adoption: RCW 50B.04.020, 50B.04.080, 50B.04.095.

Adopted under notice filed as WSR 21-24-098 on December 1, 2021.

A final cost-benefit analysis is available by contacting April Amundson, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-485-2816, Washington relay 711 (contact Teresa Eckstein at 360-507-9890 for accommodations), email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/ltss>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: January 26, 2022.

April Amundson
Policy and Rules Manager
Leave and Care Division

OTS-3496.1

NEW SECTION

WAC 192-910-025 Election of coverage for federally recognized tribes. (1) A federally recognized tribe that elects coverage under RCW 50B.04.095 is an employer as defined in RCW 50A.05.010 and is subject to all rights and responsibilities under Title 50B RCW.

(2) An employee of a federally recognized tribe that elects coverage under RCW 50B.04.095 is an employee as defined in RCW 50A.05.010 and is subject to all rights and responsibilities under Title 50B RCW.

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