

WSR 21-22-106
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed November 2, 2021, 4:11 p.m.]

Subject of Possible Rule Making: The paid family and medical leave (PFML) program (Title 50A RCW) is considering updating existing rules or adding new rules to ensure clarity and make necessary changes based on programmatic needs.

This preproposal statement of inquiry may include, but is not limited to, consideration of rules related to waiting period requirements, reportable hours and documentation requirements for applications and weekly benefit claims, premium assessment and application deadline for small business assistance grants, definition of "employer," filing a petition for review, designated representative, and other clarifying guidance as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060, 50A.24.010, 50A.15.020, 50A.15.040.

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 new or amended rules to clarify:

- Requirements for hours reported during the waiting period;
- Reportable hours and documentation requirements for applications and weekly benefit claims;
- Premium assessment requirements for employers that have received small business assistance grants;
- When small business assistance grant applications must be received by the department;
- The definition of "employer" to ensure the department can communicate with employers identified by the employee; and
- Acceptable methods for receipt of petitions for review.

The department may also consider additional guidance as needed.

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 Janette Benham, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-790-6583, 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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