

WSR 26-03-045

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 14, 2026, 3:50 p.m., effective February 14, 2026]

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

Purpose: ESSB 5525 was passed during the 2025 legislative session and was codified in statute under chapter 49.45 RCW. The new law addresses mass layoffs and business closures in Washington state, and sets new requirements for employers undergoing a business closure or mass layoff. The law exempts employees who are currently on paid family or medical leave (PFML) from being subject to a mass layoff except under specific circumstances described in the law. PFML chapter 192-700 WAC addresses employment restoration and contains a section addressing the conditions in which an employer may deny employment restoration. This rule will point to the new chapter of law in that section.

Citation of Rules Affected by this Order: Amending WAC 192-700-010 Can an employer deny employment restoration?

Statutory Authority for Adoption: RCW 50A.05.060 and chapter 49.45 RCW.

Adopted under notice filed as WSR 25-21-158 on October 22, 2025.

A final cost-benefit analysis is available by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583, email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 14, 2026.

April Amundson  
Policy and Rules Manager  
ESPI, Leave and Care Programs

RDS-6779.1

AMENDATORY SECTION (Amending WSR 21-04-067, filed 1/29/21, effective 3/1/21)

**WAC 192-700-010 Can an employer deny employment restoration?**

(1) An employee is not entitled to rights under RCW 50A.35.010 if:

(a) An employer exercises its right to deny restoration under RCW 50A.35.010 and the employee has elected not to return to employment after receiving notice under subsection (2) of this section; or

(b) The employer is able to show that an employee would not otherwise have been employed at the time the employee would return to work after the employee's family or medical leave under Title 50A RCW ends, subject to the limitations described in chapter 49.45 RCW.

(2) An employer that chooses to deny restoration under subsection (1)(a) or (b) of this section to an employee on paid medical or family leave must notify the employee in writing as soon as the employer decides to deny restoration. The employer must serve this notice to the employee either in person or by certified mail. The notice must include:

(a) A statement that the employer intends to deny employment restoration when the leave has ended;

(b) The reasons behind the decision to deny restoration;

(c) An explanation that health benefits will still be paid for the duration of the leave; and

(d) The date on which eligibility for employer-provided health benefits ends.

(3) Employers that choose to deny restoration under this section must provide continuation of health benefits as required in RCW 50A.35.020 and WAC 192-700-020.