



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 14, 2024

TIME: 12:06 PM

WSR 24-11-070

Agency: Employment Security Department

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
- ☐ Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: The Paid Family and Medical Leave (PFML) program (Title 50A RCW) is adopting amendments to the definition of "placement" to clarify under which circumstances family leave can be taken to bond with a child placed in the home. Clarification was also added that an employee is only entitled to a maximum of 12 weeks of family leave for the placement of a child.

In addition, the PFML program is adopting amendments to outline that a decision appealed to the Commissioner's Review Office may be made available to the public and that all personal identifying information will be redacted. If a Commissioner's decision is appealed to Superior Court, the department is required to file the record unsealed and court rules will apply if an interested party moves to seal the record.

Citation of rules affected by this order:

New:

Repealed:

Amended:

WAC 192-500-195 Placement.

WAC 192-800-155 When are proceedings open to the public, and what information from a proceeding before the appeal tribunal or commissioner is publicly available.

Suspended:

Statutory authority for adoption: RCW 50A.05.060

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-07-082 on March 18, 2024 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Janette Benham

Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046

Phone: 360-790-6583

Fax:

TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)

Email: rules@esd.wa.gov

Web site: <https://paidleave.wa.gov/rulemaking/>

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	2	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	2	Repealed	_____

Date Adopted: May 14, 2024

Name: April Amundson

Title: Policy and Rules Manager, ESPI, Leave and Care Programs

Signature:

