



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 28, 2019

TIME: 10:21 AM

WSR 19-14-060

Agency: Employment Security Department

Subject of possible rule making: The department is seeking to implement the public disclosure and privacy portions of SHB 1399 (2019) and to update the existing procedures governing public records requests made to the department and the operation of the department's public records office under the Public Records Act, chapter 42.56 RCW. This rulemaking is not intended to implement ESB 5439 (2019), as that will be implemented through a separate rulemaking; however, there may be some overlap between procedural rules adopted through this rulemaking as they relate to chapter 50.13 RCW.

Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010, 50.12.040, 50.13.030, 50A.04.215, and Laws of 2019, ch. 13, § 72.

Reasons why rules on this subject may be needed and what they might accomplish: The Employment Security Department must implement SHB 1399 as directed by the Legislature. As part of that implementation, this rulemaking seeks to provide clear and usable guidance for the public regarding program operations including data-sharing, public records request fulfillment, privacy, and other topics related to session law implementation. Existing rules related to procedures governing public records requests and the department's public records office are also being modernized as part of this promulgation to increase clarity and usability.

Identify 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 Paid Family and Medical Leave Program as it is a new state entitlement with authority granted solely to the Employment Security Department.

The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.


Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Draft rules will be shared with the public, stakeholders, and the Paid Family and Medical Leave 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:

	(If necessary)
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Other:	Other:

Additional comments:

Date: 6-28-2019	Signature: 
Name: April Amundson	
Title: Rules and Policy Manager, Paid Family and Medical Leave	