

Concise Explanatory Statement
RCW 34.05.325(6)

**Long Term Services and Supports
Definitions, Assessing and collecting premiums,
Self-employed elective coverage,
Collective bargaining agreements, Appeals**
August 2021

REASONS FOR ADOPTING THE RULE

The adopted rules are the second of three phases of rules to implement portions of the Long-Term Services and Supports (LTSS) Trust Program, also called the WA Cares Fund, Title 50B RCW, under the Employment Security Department’s (department) authority. The rules address definitions, assessing and collecting premiums, self-employed elective coverage, collective bargaining agreements, and appeals.

RCW 50B.04.080 requires the department to assess a premium of .58% of wages for employees beginning January 1, 2022. Employers must collect premiums from employees and remit the amounts collected to the department. The statute also requires the department to use the premium assessment, collection, and reporting procedures established for Paid Family and Medical Leave (PFML) to the extent feasible. RCW 50B.04.090 outlines requirements for self-employed individuals electing LTSS coverage and requires the department to adopt rules related to hours worked, wages earned, and enforcement. RCW 50B.04.120 requires the department to adopt standards and procedures for appeals consistent with those adopted for PFML.

Since many of the definitions in chapter 50B.04 RCW refer back to PFML chapter 50A.05 RCW and the department is required to use processes and procedures for LTSS that are already in place for PFML, the rules, where possible, refer to rules already adopted for PFML.

VARIANCE BETWEEN PROPOSED RULE AND FINAL RULE

There are no variances between the proposed rules and the final rules.

SUMMARY OF COMMENTS TO PROPOSED RULES AND AGENCY RESPONSE

The following are *summaries* of the comments received relating to the proposed rules during the formal comment period.

Referenced rule	Commenter	Source of comment	Comment	Agency response
WAC 192-915-005	Marianne Greenwell	Public Hearing, July 8, 2021	Requesting clarification be added to the rule regarding how self-employed individuals may elect coverage. Specify what “other format approved by the department” is.	Thank you for your comment. The department will identify alternate formats for individuals who are not able to elect coverage through the online notification process. Since this accommodation may vary from

Referenced rule	Commenter	Source of comment	Comment	Agency response
				<p>person to person, including a specific format and process as part of the rule may unfairly limit the availability of an alternate format for some individuals.</p>