



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: January 26, 2022
TIME: 9:23 AM

WSR 22-04-040

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 adopted rule implements Section 7 of Substitute House Bill 1323, Chapter 112, Laws of 2021, as codified under RCW 50B.04.095. The bill, among other things, provides a pathway for federally recognized tribes to elect WA Cares Program coverage. The bill also requires the Employment Security Department to adopt rules to implement the section. Consistent with the elective coverage administrative rules for tribes under the Paid Family and Medical Leave Program, the adopted rule states that any employees are considered employees as that term is defined under the law. The adopted rule provides guidance to federally recognized tribes that may be interested in electing program coverage.

Citation of rules affected by this order:

New:

WAC 192-910-025 Election of coverage for federally recognized tribes.

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 50B.04.020, RCW 50B.04.080, RCW 50B.04.095

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-24-098 on 12/01/2021 (date).

Describe any changes other than editing from proposed to adopted version: None.

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

Name: April Amundson

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

Phone: 360-485-2816

Fax:

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

Email: rules@esd.wa.gov

Web site: <https://esd.wa.gov/newsroom/rulemaking/ltss>

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	1	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	___	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	1	Amended	___	Repealed	___

Date Adopted: January 26, 2022

Name: April Amundson

Title: Policy and Rules Manager, Leave and Care Division

Signature:

