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RULEMAKING STAKEHOLDER MEETING

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July 18, 2022

Via MS Teams

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APPEARANCES (Via Zoom):

FOR WASHINGTON  
EMPLOYMENT SECURITY  
DEPARTMENT:

MS. JANETTE BENHAM  
MR. JASON BARRETT  
MR. BRETT CAIN  
EMPLOYMENT SECURITY DEPARTMENT  
212 Maple Park Avenue SE  
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1 BE IT REMEMBERED that on Monday, July 18, 2022, at  
2 9:06 a.m., via MS Teams videoconference before REBECCA S.  
3 LINDAUER, Certified Court Reporter, in and for the State of  
4 Washington, the following proceedings were had, to wit:

5  
6 MS. BENHAM: Good morning and welcome everyone.  
7 My name is Janette Benham, and I'm the rules coordinator for  
8 the Leave and Care Division at the Employment Security  
9 Department. There are other members from the Leave and Care  
10 policy and rules team on the call, and I'll ask that they  
11 introduce themselves now.

12 MR. BARRETT: My name is Jason Barrett. I'm the  
13 lead policy analyst for the Leave and Care Division.

14 MR. CAIN: Good morning. I'm Brett Cain. I'm  
15 also a policy analyst for the Leave and Care Division.

16 MS. BENHAM: Thanks, Jason and Brett.

17 We're here this morning to review and discuss drafts of  
18 rule amendments and new rules the department is considering  
19 regarding implementation of Substitute House Bill 1732 and  
20 Engrossed Substitute House Bill 1733 which passed into law  
21 during the 2022 legislative session. The draft rules  
22 related to these two bills address the delay of the WA Cares  
23 program and new voluntary exemptions under RCW 50B.04.055.

24 The discussion today will also include draft rules for  
25 Phase 3 of the department's original implementation

1 regarding audit procedures for the WA Cares program. For  
2 more information about what changes the bills made, please  
3 visit the legislature's website at leg.wa.gov.

4 The draft rules we will be discussing today regarding  
5 implementation of House Bill 1732 and 1733 are  
6 WAC 192-905-005, eligibility requirements for an employee to  
7 receive a permanent exemption from the Long-Term Services  
8 and Supports Trust Program; WAC 192-905-006, eligibility  
9 requirements for an employee to receive a conditional  
10 exemption from the Long-Term Services and Supports Trust  
11 Program; WAC 192-905-007, notification requirements and  
12 penalties for discontinuing conditional exemptions;  
13 WAC 192-905-010, how and when can an employee apply for an  
14 exemption from the Long-Term Services and Supports Trust  
15 Program; WAC 192-910-015, what are the employer's  
16 responsibilities for premium deductions; WAC 192-915-005,  
17 election of coverage for self-employed persons; and  
18 WAC 192-915-015, how will the department determine the wages  
19 earned and hours worked for self-employed persons electing  
20 coverage.

21 The draft rules we'll be discussing today regarding  
22 Phase 3 of the initial WA Cares implementation are  
23 WAC 192-935-005, audit procedures, and WAC 192-935-010, what  
24 happens if an employer fails to provide requested  
25 information to the department for an audit.

1           The drafts that we'll be reviewing and discussing can  
2 be found at [esd.wa.gov/newsroom/rulemaking/ltss](https://esd.wa.gov/newsroom/rulemaking/ltss). Again,  
3 that was [esd.wa.gov/newsroom/rulemaking/ltss](https://esd.wa.gov/newsroom/rulemaking/ltss).

4           If you look at the rules in the -- David, if you could  
5 please mute yourself, that would be great. Thank you.

6           If you look at "Rules Under Development," click on  
7 "Draft Rules" for each subject to view the text of the  
8 changes being discussed. Phase 3 draft rules are listed  
9 first and implementation of Substitute House Bill 1732 and  
10 Engrossed Substitute House Bill 1733 are listed next.

11           If you called in to this meeting, please keep your mute  
12 on by using the mute function on your phone or by pressing  
13 star 6. Please keep in mind that the subject of this call  
14 is the draft rules just referenced. We will not be  
15 discussing other rules, and if you have a question about a  
16 paid Family and Medical Leave claim or application or a WA  
17 Cares pending or approved exemption application, please hang  
18 up and call our customer care team at 833-717-2273.

19           I also want to ask that if you're commenting on the  
20 draft rules to please state and spell your name and indicate  
21 if you're here on behalf of an organization. And I, again,  
22 want to remind everyone this meeting is being recorded. And  
23 if we can hold for just a second, I need to press "Record."

24           Okay. Before we open the floor for comments, I want to  
25 give folks an opportunity to ask any questions about

1 anything I just discussed, why we're here, where to find the  
2 draft rules, or any other housekeeping items. If you have  
3 any questions, go ahead and unmute yourselves using your  
4 computer or hit star 6 on your phone if you would like to  
5 ask any questions.

6 UNIDENTIFIED SPEAKER: We will file suit to halt  
7 construction until an environmental impact study has been  
8 filed.

9 UNIDENTIFIED SPEAKER: The Department of the  
10 Interior's...

11 MS. BENHAM: It sounds like someone had us on  
12 hold.

13 UNIDENTIFIED SPEAKER: It's a leaseback to the  
14 state.

15 UNIDENTIFIED SPEAKER: When construction is  
16 complete.

17 UNIDENTIFIED SPEAKER: Can you call Jamie and...

18 MS. BENHAM: Does anyone have any questions about  
19 where to find the rules?

20 Okay. With that, we're going to go ahead and start  
21 with draft rules to implement House Bill 1732 and 1733.  
22 Both of these bills passed during this past legislative  
23 session. Substitute House Bill 1732 delayed the WA Cares  
24 program by 18 months. Engrossed Substitute House Bill 1733  
25 added four new voluntary exemptions for individuals. The

1 bill is very specific about who will qualify to apply for  
2 the voluntary exemptions. It adds one permanent exemption  
3 and three conditional exemptions. The permanent exemption  
4 is for veterans who have service-connected disability  
5 ratings of 70 percent or greater.

6 The conditional exemptions are for spouses or  
7 registered domestic partners of active duty service members  
8 of the United States Armed Forces, individuals who hold  
9 non-immigrant visas for temporary workers, and employees who  
10 maintain permanent primary residence outside of Washington.

11 The bill also outlines that the three conditional  
12 exemptions must be discontinued when individuals no longer  
13 meet the exemption requirements and that failure to provide  
14 notifications will result in premiums plus interest due to  
15 the department.

16 The first rule we will discuss is WAC 192-905-005,  
17 eligibility requirements for an employee to receive a  
18 permanent exemption from the Long-Term Services and Supports  
19 Trust Program. The changes to this section clarify that  
20 these exemptions are permanent and add the permanent  
21 exemption for veterans who have a service-connected  
22 disability rating of 70 percent or greater. It states when  
23 applications will be accepted and that documentation to  
24 verify the disability rating will be required. Are there  
25 any questions or comments on this rule?



1 UNIDENTIFIED SPEAKER: The transcripts are about  
2 the only thing we're going to have because our report cards  
3 print somewhere else, and we don't have a way to recreate  
4 that so -- but we can get you a transcript. Yeah, it will  
5 have a GPA and stuff on it.

6 MS. BENHAM: There's someone who is not muted. If  
7 you could please remember to mute yourself, that would be  
8 great.

9 UNIDENTIFIED SPEAKER: The address that we have on  
10 file here.

11 MS. HAYES: This is Angela Hayes. May I ask a  
12 question?

13 MS. BENHAM: Of course, Angela. Thank you.

14 MS. HAYES: Thank you. I may be asking this at  
15 the wrong time, and it might be discussed later or maybe I'm  
16 missing it in the rules. Once somebody has applied for a  
17 permanent exemption because they secured long --  
18 appropriate, you know, eligible long-term care insurance for  
19 themselves and they've received the letter from ESD  
20 providing them with that permanent exemption, is there a  
21 responsibility for that policyholder to continue to provide  
22 some sort of update to the state that they continued to  
23 retain that policy throughout?

24 MS. BENHAM: The current -- thanks for that  
25 question. That's a great question. The current law does

1 not require that. There has -- I understand that there has  
2 been discussion with some policy makers in the legislature  
3 that that might be a requirement in the future, but that is  
4 not a requirement of the future law -- I mean, of the  
5 current law. There may be changes at some point in the  
6 future that may require that. Of course that's just  
7 speculation, and we can't guarantee what the legislature  
8 will do to make any requirements or add any requirements in  
9 future legislative sessions. That's a great question.  
10 Thank you for that.

11 MS. HAYES: I appreciate your answer, and I only  
12 bring it up here because it sounds like with these  
13 conditional exemptions that we're talking about, you know,  
14 with respect to the spouse or -- the requirement to notify  
15 the state if you somehow are no longer qualified for that  
16 exemption. I just want to make sure that that did not apply  
17 to the holding of a policy that exempted you from the  
18 program. So thanks very much. I appreciate it.

19 MS. BENHAM: Thank you. Great question.

20 Does anyone else have any questions or comments on this  
21 rule?

22 ERIN: I have a question. Why is it that you have  
23 to be 18 years old as of December 2022 to be able to apply  
24 for the exemption? Why are we not giving the next  
25 generation the same option that those of us that are 18

1 today have?

2 MS. BENHAM: The permanent exemption for  
3 individuals who have long-term care insurance, the law  
4 states that individuals have to be 18 years of age or older  
5 to apply for that exemption, and any change in that would  
6 require the legislature to change the law.

7 ERIN: So is there discussion amongst the  
8 legislature that someone who then later attains the age of  
9 18 and secures their own premium policy through another  
10 carrier then can go and apply for this? Because, you know,  
11 the kids that are in high school right now, they will never  
12 have an option to pick something different and opt out of  
13 this plan.

14 MS. BENHAM: Thanks for your question. I would  
15 encourage you to contact your local representative if this  
16 is something that you wish to see changed in the law. The  
17 legislature would have to make that change to do that.

18 ERIN: Okay.

19 MR. CAIN: And would you mind please stating your  
20 name for the court reporter.

21 ERIN: Erin.

22 MS. BENHAM: Erin, did you want to provide your  
23 last name, or did you just want to provide your first name?

24 ERIN: First name is good.

25 MS. BENHAM: Okay. Thank you for your question.

1           Anyone else have any questions about this rule?

2           Okay. We'll move on. The next rule is a new rule,  
3 WAC 192-905-006, eligibility requirements for an employee to  
4 receive a conditional exemption from the Long-Term Services  
5 and Supports Trust Program. This rule lists the three types  
6 of conditional exemptions individuals may apply for to  
7 include spouses or registered domestic partners of active  
8 duty service members in the United States Armed Forces,  
9 holders of non-immigrant visas for temporary workers, and  
10 employees who maintain permanent primary residence outside  
11 of Washington.

12           The rule outlines that documentation to verify or  
13 substantiate the exemption is required at the time of  
14 application and also references the requirement that  
15 employees must notify their employers and the department  
16 within 90 days of no longer qualifying for the exemption so  
17 their exemption can be discontinued. The rule also  
18 references notification and penalty requirements that are in  
19 the next rule section we'll discuss. Are there any  
20 questions or comments on this rule?

21           MS. HAYES: This is Angela Hayes again, if I might  
22 ask a question about this. Is there any affirmative  
23 obligation on an employer to -- I mean, it's -- if an  
24 employee has moved or, you know, say, because the employee's  
25 provided updated information to the employer for purposes

1 of, you know, taxes or anything else that the employer needs  
2 to keep somebody's address on record, does the employer have  
3 any affirmative obligation in the eyes of the state to  
4 provide some kind of information about a change in the  
5 employee's residency, or is that completely on the employee?

6 MS. BENHAM: How the law is written is it puts  
7 that on the employee to provide those notifications, and in  
8 the next rule section we'll talk about the employee's  
9 responsibility to do that and any penalty requirements that  
10 fall on the employee for that.

11 MS. HAYES: Great. Thank you very much.

12 MS. BENHAM: Thank you. Does anyone else have any  
13 questions on this rule?

14 Okay. We'll move on to the next rule we'll be  
15 discussing. This next rule is also a new rule,  
16 WAC 192-905-007, notification requirements and penalties for  
17 discontinuing conditional exemptions. This rule states that  
18 employees must notify their employers and the department  
19 within 90 days of no longer qualifying for an exemption. It  
20 establishes the effective date of the discontinued exemption  
21 as the quarter immediately following notification at which  
22 time premiums will be assessed. It also outlines that  
23 employer -- employees -- I'm sorry. Employees who fail to  
24 provide notifications will owe any unpaid premiums plus  
25 interest to the department as required under RCW 50B.04.055.

1 Are there any questions or comments on this rule?

2 ERIN: Why is there an interest tax -- interest  
3 component on this?

4 MS. BENHAM: Can you please state your name for  
5 the record.

6 ERIN: E-r-i-n.

7 MS. BENHAM: The law wrote -- the legislature  
8 wrote into the law that there is interest owed; so in order  
9 to change that would also require a statutory change done by  
10 the legislature. Thank you for your question, Erin.

11 ERIN: Thank you.

12 MS. BENHAM: Are there any more comments on this  
13 rule?

14 Okay. The next rule is WAC 192-905-010, how and when  
15 can an employee apply for an exemption from the Long-Term  
16 Services and Supports Trust Program. This rule clarifies  
17 application requirements and timelines including the  
18 effective date of approved exemptions and how individuals  
19 may apply for exemptions. Are there any questions or  
20 comments on this rule?

21 MS. HAYES: This is Angela Hayes again. I'm sorry  
22 for all of these questions. Just so that I'm clear in my  
23 mind, if an employee did not previously secure long-term  
24 care insurance and apply for the exemption before -- I guess  
25 this does provide -- the extension is to December 31, 2022.

1 Okay. I'm sorry. I'm going to withdraw my question. I'm  
2 getting myself confused here.

3 Do people -- it sounds to me like people still have an  
4 opportunity obviously to apply for an exemption under the  
5 basis that they've secured long-term care insurance for  
6 themselves through the end of this year. Correct?

7 That's -- yeah. That hasn't changed?

8 MS. BENHAM: Correct.

9 MS. HAYES: I'm sorry. I don't mean to be talking  
10 all of you through my -- as I'm processing through this in  
11 my own mind. I don't mean to waste anybody's time. Sorry.

12 MS. BENHAM: That's okay. Thank you for your  
13 questions. Individuals, yes, can, if they do have long-term  
14 care insurance, can still apply through December 31st, and  
15 they have to still have purchased that long-term care  
16 insurance prior to November 1st of 2021.

17 Any more questions on this rule?

18 ERIN: So this is Erin again. So that does not  
19 change the effective date of the policy? They just have an  
20 extension to actually go to ESD and ask for the exemption,  
21 but their policy must have been in effect in 2021?

22 MS. BENHAM: Yes. That portion of the law did not  
23 change this last legislative session. That portion of the  
24 law is how it was when we began -- it was the same as it was  
25 when we began accepting exemption applications on

1 October 1st of 2021. So there's that 15-month window for  
2 individuals to apply for the exemptions, but they must have  
3 purchased the -- secured their long-term care insurance  
4 prior to November 1st of 2021. That part of the law did not  
5 change.

6 ERIN: Okay. Because it's confusing reading that.  
7 It almost makes it seem that you could have coverage that  
8 you acquired in 2022 and then apply for the exemption.

9 MS. BENHAM: Thank you for that comment. We will  
10 take a look at that to see if there's an opportunity for us  
11 to clarify.

12 ERIN: Okay. Thank you.

13 MS. BENHAM: Does anyone else have any comments or  
14 questions on this rule?

15 It appears there is a comment from Kami McKnight in the  
16 chat. Individuals -- Kami, if you could please unmute  
17 yourself and ask the question. That way our stenographer  
18 has an ability to capture this accurately.

19 Okay. I will go ahead and try to capture this. If we  
20 could please make sure that when we provide comment we  
21 provide verbal comment, if we can. That way our  
22 stenographer can capture this.

23 Becky, there was a question from Kami, K-a-m-i,  
24 McKnight, M-c-K-n-i-g-h-t. What about new employees that  
25 move to Washington and if they have the opportunity to apply



1 for an exemption?

2 Individuals who move to Washington will have the same  
3 opportunities that individuals who currently live in  
4 Washington have to apply for the exemption. If you're  
5 referencing specifically the fact that individuals have to  
6 have long-term care purchased prior to November 1st of 2021  
7 in order to qualify for that permanent exemption, as long as  
8 they apply before the exemption cutoff date of December 31st  
9 of 2022 and meet the requirement in the law that they have  
10 secured their long-term care insurance prior to November 1st  
11 of 2021, they have the ability to apply for the exemption.

12 Are there any more questions on this rule?

13 The next rule we'll discuss is WAC 192-910-015, what  
14 are the employer's responsibilities for premium deductions.  
15 Changes to this rule address the employer's responsibilities  
16 for premium assessment once notified by an employee they're  
17 no longer exempt. Are there any questions or comments on  
18 this rule?

19 MS. ADAMS: Is there any time frame -- this is  
20 Rebecca. Is there any time frame for them to notify their  
21 employer?

22 MS. BENHAM: They are required to provide  
23 notifications to their employer and the Employment Security  
24 Department within 90 days of no longer qualifying for the  
25 exemption, and the effective date of the discontinuation the

1 exemption will be the following quarter. Rebecca, did you  
2 want to provide your last name?

3 MS. ADAMS: Adams, A-d-a-m-s.

4 MS. BENHAM: Thank you very much, and thank you  
5 for your question.

6 MS. HAYES: This is Angela Hayes. Might I go back  
7 and ask a question, just a follow-up, on the prior rule we  
8 were discussing? I couldn't get myself unmuted fast enough.

9 MS. BENHAM: Sure. Just for clarification, you  
10 want to provide a question -- a comment or a question on  
11 WAC 192-905-010?

12 MS. HAYES: Yes. I'm sorry. I'm pulling up that  
13 document there. Let's see. Yes, about when the employee  
14 can apply for the exemption. So just to follow up on the  
15 prior question about employees -- new employees moving to  
16 the state after that November -- you know, after the window  
17 to purchase long-term care insurance has closed, so the  
18 takeaway from this is that say you moved to the state of  
19 Washington, you know, now or, you know, some point in the  
20 future, a couple years down the road, you've missed that  
21 window of opportunity to purchase long-term care insurance  
22 with the intention of applying for the exemption. You're  
23 basically out of luck. Is that correct? There's no  
24 grandfathering in, like, if you just moved into the state,  
25 then you still have an opportunity to buy insurance and

1 apply for the exemption. Is that a correct interpretation  
2 of that?

3 MS. BENHAM: Thank you for that question. Yes,  
4 that is a correct interpretation. And any changes to that  
5 requirement would also require the legislature to change the  
6 law. So it's very clear and specific what is in the law as  
7 to the dates that long-term care insurance must have been  
8 purchased and the application timeline as to when people can  
9 apply for that exemption. Thank you for that clarifying  
10 question.

11 MS. HAYES: Okay.

12 MS. BENHAM: We'll move back to WAC 192-910-015,  
13 what are the employer's responsibilities for premium  
14 deductions. And, again, changes to this rule address the  
15 employer's responsibilities for premium assessment once  
16 notification by an employee -- or once notified by an  
17 employee that they are no longer exempt.

18 Are there any questions or comments on this rule?

19 ERIN: This is Erin. I do have a question. So it  
20 says an employer is not required to deduct premiums for a  
21 pay period due to a lack of sufficient wages. How does this  
22 fall in line with -- you know, like, let's say an employee  
23 has a child support order which takes precedence, and if  
24 this would drop them below minimum wage, how does this play  
25 into all of that?

1 MS. BENHAM: This rule is mirrored off of the --  
2 what happens for the paid Family and Medical Leave program.

3 Jason or Brett, do you have any --

4 MR. BARRETT: Yeah. I can speak to that a little  
5 bit. The rule is intended to speak to when an employee's  
6 wages are zeroed out because of deductions. It's not a  
7 minimum wage issue. It's a how do employers withhold money  
8 when other deductions have brought the employee's net pay to  
9 zero or below zero.

10 ERIN: Right.

11 MR. BARRETT: It's nothing to do with their base  
12 pay. It's got to do with additional deductions.

13 MS. BENHAM: Any other questions or comments on  
14 this rule?

15 Thank you, Jason.

16 MR. KWIECIAK: Hi. My name is Tom Kwieciak,  
17 K-w-i-e-c-i-a-k. I have a question about Section 4 where it  
18 says once an employer's notified that an employee no longer  
19 qualifies, who is in charge of notifying the employer? Is  
20 it the agency or employee or either?

21 MS. BENHAM: The employee has a responsibility to  
22 notify the employer and Employment Security Department  
23 within 90 days of no longer qualifying the exemption. The  
24 responsibility for that is on the employee.

25 MR. KWIECIAK: Okay. So if the employee does not

1 notify, then the employer's not responsible?

2 MS. BENHAM: Correct.

3 MR. KWIECIAK: Okay.

4 MS. BENHAM: The employee has the responsibility  
5 for notification. And there is an opportunity for -- if and  
6 when there's an opportunity for the Employment Security  
7 Department to audit potentially or if we are notified that  
8 the employee no longer meets the qualifications and that  
9 employee has not provided notifications that are required  
10 under the law, the employee is then responsible for owing  
11 any unpaid premiums plus interest to the department, and  
12 that's required specifically in the law under  
13 RCW 50B.04.055.

14 MR. KWIECIAK: Okay. So not the employer then?  
15 Okay.

16 MS. BENHAM: Correct.

17 MR. KWIECIAK: Thank you.

18 MS. BENHAM: You bet. Thanks for the question.

19 Are there any more comments on this rule?

20 RACHEL: This is Rachel, no last name. I do have  
21 one clarification question to piggyback on that last one.  
22 Will the employees receive a notification letter similar to  
23 the one they received giving them the exemption so that an  
24 employer could expect some form of letter from an employee?

25 MS. BENHAM: We have not made that determination

1 yet, but that is a good comment. And a question back to  
2 you, would it be helpful for employers to have that?

3 RACHEL: I feel like it would in my position. It  
4 was helpful the other way around; so if they're going to not  
5 have the exemption, I think there should be one.

6 MS. BENHAM: Thank you for that comment.

7 MS. WEESNER: Can you restate the WAC that you  
8 were describing about the penalty if audited.

9 MS. BENHAM: The notification requirements and  
10 penalties for discontinuing conditional exemptions is  
11 WAC 192-905-007, and that WAC talks about employees who fail  
12 to provide notifications and that they will owe any unpaid  
13 premiums plus interest to the department, and that is  
14 required in RCW 50B.04.055.

15 THE COURT REPORTER: Who was just speaking? Who  
16 asked the question? You didn't state your name.

17 RACHEL: This is Rachel.

18 MS. WEESNER: This is Monica.

19 RACHEL: Sorry.

20 THE COURT REPORTER: Did you say Monica?

21 MS. WEESNER: This is Monica Weesner, W-e-e-s-,  
22 like Sam, n-, like Nancy, e-r.

23 MS. BENHAM: Are there any comments on this rule?

24 Okay. The next rule is WAC 192-915-005, election of  
25 coverage for self-employed persons. Revisions to this rule

1 changed the elective coverage date for self-employed persons  
2 due to the 18-month delay of program implementation. Are  
3 there any questions or comments on this rule?

4 Okay. The last rule regarding implementation of House  
5 Bill 1732 and 1733 is WAC 192-915-015, how will the  
6 department determine the wages earned and hours worked for  
7 self-employed persons electing coverage. Changes to this  
8 rule clarify what portions of the paid Family and Medical  
9 Leave rule will apply to the WA Cares program.  
10 Specifically, the changes exclude Subsection 3 which  
11 references hours for a qualifying period for paid Family and  
12 Medical Leave which doesn't apply to WA Cares. Are there  
13 any questions or comments on this rule?

14 Okay. The next rules discuss draft rules for Phase 3  
15 of the initial implementation of the WA Cares program. The  
16 draft rules can be found on the program's rulemaking website  
17 and under the "Rules Under Development" heading. You can  
18 use your back arrow on your browser to return to the  
19 rulemaking webpage to view Phase 3 rules. I'll give  
20 everyone a moment to get back to the rulemaking page to view  
21 those draft rules.

22 Phase 3 of the initial implementation of the WA Cares  
23 program addresses employer audit procedures. RCW 50B.04.020  
24 requires the department to perform investigations to  
25 determine the compliance of premium payments in coordination

1 with the same activities conducted under the paid Family and  
2 Medical Leave program.

3 The first rule we'll discuss is a new rule,  
4 WAC 192-935-005, audit procedures. The rule mirrors the  
5 audit procedures rule for paid Family and Medical Leave with  
6 the exception of the reference to Title 50B RCW for the WA  
7 Cares program. Are there any comments or comments on this  
8 rule?

9 The last rule we'll discuss today is also a new rule,  
10 WAC 192-935-010, what happens if an employer fails to  
11 provide requested information to the department for an  
12 audit. This rule also mirrors the paid Family and Medical  
13 Leave rule with the exception of the reference to Title 50B  
14 RCW for the WA Cares program. Are there any questions or  
15 comments on this rule?

16 With that, we will close out discussion of the rules.  
17 Thank you all for the comments and discussion this morning.  
18 Regarding next steps, we will gather all of the comments  
19 we've received on these amendments to determine which should  
20 be incorporated and add -- we'll gather all the comments  
21 we've received on these amendments and new rules to  
22 determine which should be incorporated, and then we'll draft  
23 paperwork to formally propose rule language.

24 Once the proposed rules and paperwork are filed,  
25 individuals will have an opportunity to participate in the



1 public hearing and provide written comments up to and  
2 through the day of the hearing.

3 Following the hearing, if no substantive changes to the  
4 amended rules are necessary, we will file paperwork  
5 providing a response to each comment received during the  
6 comment period and hearing, and then we will adopt the  
7 rules.

8 Please visit [esd.wa.gov/newsroom/rulemaking/ltss](http://esd.wa.gov/newsroom/rulemaking/ltss) for  
9 more information on when these next steps will occur.

10 If you have any additional comments or questions on the  
11 rules we've discussed today, please feel free to send us an  
12 email at [rules, r-u-l-e-s, at esd.wa.gov](mailto:rules,r-u-l-e-s@esd.wa.gov). Again, that's  
13 [rules@esd.wa.gov](mailto:rules@esd.wa.gov). Thank you so much for joining us this  
14 morning, and we hope all of you enjoy the rest of your day.

15 (Concluded at 9:46 a.m.)  
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C E R T I F I C A T E

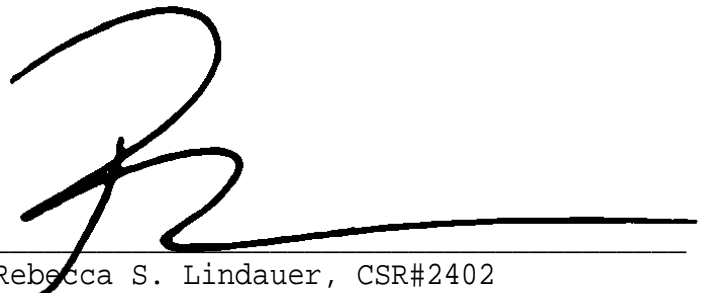
I, REBECCA S. LINDAUER, a Certified Court Reporter in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing MS Teams public hearing was taken before me and completed on the 18th day of July 2022, and thereafter transcribed by me by means of computer-aided transcription; that the public hearing is a full, true, and complete transcript of the proceedings;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith emailing the public hearing to MS. JANETTE BENHAM.

IN WITNESS HEREOF, I have hereunto set my hand this 25th day of July 2022.



Rebecca S. Lindauer, CSR#2402  
Certified Court Reporter, in and for the  
State of Washington, residing at Lacey.

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