



Employment Security Department Semi-Annual Rulemaking Agenda (July 2018 – January 2019)

The Employment Security Department (ESD) prepares a semi-annual rulemaking agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is published in the Washington State Register.

ESD encourages the public to be involved in the rulemaking processes by attending public hearings and submitting comments on rules. To stay informed of our progress and be notified of any changes, please sign up for email notifications: <https://public.govdelivery.com/accounts/WAESD/subscriber/new>. Additional rulemaking information is available on the agency website at <https://esd.wa.gov/newsroom/rulemaking>.

Subject Matter or Division	WAC Chapter or Sections	Purpose and scope of rulemaking	Pre-Proposal Notice Filings (CR101)	Proposed Rule and Public Hearing Filings (CR102 or CR105 expedited)	Permanent Rule Filing (CR103)
Unemployment Insurance Taxes	To be determined	ESD may amend rules to adopt efficiencies consistent with RCW 50A.04.195(1) to allow, to the extent feasible, combined reporting and payment of unemployment insurance contributions and paid family and medical leave insurance premiums	To be determined	To be determined	To be determined

Subject Matter or Division	WAC Chapter or Sections	Purpose and scope of rulemaking	Pre-Proposal Notice Filings (CR101)	Proposed Rule and Public Hearing Filings (CR102 or CR105 expedited)	Permanent Rule Filing (CR103)
Unemployment Insurance Benefits – Reasonable Assurance for Certain School Employees	WACs 192-210-001, 192-210-005, 192-210-020, 192-210-045, and 192-210-045.	Due to the issuance of new guidance from the U.S. Department of Labor (USDOL), ESD is currently out of conformity with federal law in regards to determining reasonable assurance for certain school employees. Agency request legislation is being considered in the 2018 Legislative Session. If it passes, rulemaking will be completed to align the WACs to the RCWs.	Filed March 30, 2018	First Filed June 1, 2018; Second Filed July 26, 2018;	Expected to be filed September 2018
Paid Family and Medical Leave – Employer responsibilities, grants, and penalties	Amending WAC 192-530-060 and adding new sections	Rulemaking to implement the new Paid Family and Medical Leave Act is taking place in several phases. This constitutes phase 2 and rulemakes on employer responsibilities, grants, and penalties.	Filed April 12, 2018 as WSR 18-09-037	Expected early November 2018.	Expected early December 2018.
Paid Family and Medical Leave – Benefit applications and eligibility.	Creating new sections.	Rulemaking to implement the new Paid Family and Medical Leave Act is taking place in several phases. This constitutes phase 3 and rulemakes on benefit applications and eligibility.	Expected early August 2018.	To be determined	To be determined
Paid Family and Medical Leave – Continuation of benefits and fraud	Creating new sections.	Rulemaking to implement the new Paid Family and Medical Leave Act is taking place in several phases. This constitutes phase 4 and rulemakes on continued benefits and fraud.	Expected early October 2018.	To be determined	To be determined

ESD is responsible for initiating rulemaking to implement new state laws, meet federal requirements, and to meet unforeseen circumstances. Because of this variability, this agenda is prepared for information purposes only and any dates noted herein are planning estimates that are subject to change. Additional rulemaking can occur in addition to what is listed on the agenda.

This agenda does not constitute a rule or rulemaking action. Any errors or omissions in this agenda do not affect the actual rules or rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register.

The rulemaking process can appear complex. ESD has outlined the process on its website to help constituents understand and become involved: <https://www.esd.wa.gov/newsroom/rulemaking-process>. If you have additional questions, please contact the Agency Rules Coordinator, Christina Streuli, at 360-791-6710, or email at rules@esd.wa.gov.