



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: February 14, 2025

TIME: 2:10 PM

WSR 25-05-068

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 Employment Security Department is adopting new rules and amendments regarding the Long-Term Services and Supports Trust Program (WA Cares Fund) to implement a portion of Substitute House Bill 2467, which passed into law during the 2024 legislative session. The adopted rules implement a portion of the bill that was codified in RCW 50B.04.180 by defining "out-of-state participant." The adopted rules also add additional program definitions, outline qualified individual requirements and determinations, and further align the WA Cares Fund and Paid Family and Medical Leave appeals processes.

Citation of rules affected by this order:

New:

WAC 192-900-040 Out-of-state participant.

WAC 192-900-045 Qualified individual.

WAC 192-900-050 Year.

WAC 192-940-005 Earning years to become a qualified individual.

WAC 192-940-010 How will the department determine if someone is a qualified individual?

Repealed:

Amended:

WAC 192-925-015 Sections of general procedural rules for appeal under chapter 192-800 WAC apply.

Suspended:

Statutory authority for adoption: RCW 50B.04.020

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-01-166 on December 18, 2024 (date).

Describe any changes other than editing from proposed to adopted version:

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

Name: Janette Benham

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

Phone: 360-790-6583

Fax:

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

Email: rules@esd.wa.gov

Web site: <https://paidleave.wa.gov/rulemaking/>

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	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	5	Amended	1	Repealed	___
-----	---	---------	---	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	5	Amended	1	Repealed	___

Date Adopted: February 14, 2025

Name: April Amundson

Title: Policy and Rules Manager, ESPI, Leave and Care Programs

Signature:

