



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: May 28, 2025

TIME: 3:10 PM

WSR 25-12-047

**Agency:** Employment Security Department

**Subject of possible rule making:** The Employment Security Department (department), Leave and Care Division, is considering rules for the Long-Term Services and Supports Trust (WA Cares Fund) Program to implement portions of Engrossed Substitute Senate Bill (ESSB) 5291 (Chapter 380, Laws of 2025). Rules may include implementation of a pilot project, requirements regarding qualifying for benefits, a new voluntary exemption for off-duty civilian employment for active-duty service members, automatic exemptions for non-immigrant work visa holders, voluntary rescission of private long-term care insurance exemptions, and collective bargaining agreement participation requirements. Additional rules to implement other portions of chapter 50B.04 RCW may be considered as necessary.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 50B.04.020, 050, 055, 085; and ESSB 5291 (Chapter 380, Laws of 2025).

**Reasons why rules on this subject may be needed and what they might accomplish:** The department must implement and administer portions of chapter 50B.04 RCW and changes made to the law by ESSB 5291. Rules will ensure clear guidance is available for implementation and administration.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Washington State Health Care Authority, Department of Social and Health Services, and Office of the State Actuary also have program implementation and administration responsibilities under chapter 50B.04 RCW. Drafts of rules will be shared with these agencies and feedback will be requested from them throughout the rulemaking process.

**Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Collaborative rulemaking. The draft rules will be shared with the public, stakeholders, and other agencies responsible for the WA Cares Fund program. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Other:

(If necessary)

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Web site:  
Other:

Additional comments:

<b>Date:</b> May 28, 2025	<b>Signature:</b> 
<b>Name:</b> April Amundson	
<b>Title:</b> Policy & Rules Manager, ESPI, Leave and Care Programs	