Employment Security Department
WASHINGTON STATE

Concise Explanatory Statement

ESSB 5525 Documentation for Notice Requirement Exceptions

Introduction

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department's reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received regarding the proposed rules and responses to the comments.

Reasons for adopting the rule

Engrossed Substitute Senate Bill 5525 (2025) (ESSB 5525) requires that certain employers provide advance notice of business closures and mass layoffs. RCW 49.45.020. ESSB 5525 includes specific exceptions to the employer layoff or closure notice requirements and states that employers must provide documentation to the Department to establish that an exception applies. RCW 49.45.030(3). Under RCW 49.45.070, the Department must adopt rules addressing documentation requirements for the exceptions in RCW 49.45.030. This new rule clarifies the documentation requirements and provides examples of the types of documentation an employer may submit to the Department to establish an exemption to the notice requirements.

Variance between proposed rule and final rule

A typographical error was corrected. The reference to RCW 49.45.030 in (1)(a) of the rule was corrected to reference RCW 49.45.020.

The Department has considered the public comment and determined that no other changes should be made to the rule language as set forth below.

Summary of comments to proposed rules and agency response

Public Comment

Fred Lebhart:

I think this is horrible.

As a business owner I've taken on incredible debt to keep my staff employed, and pay myself last. 21 years of ups and downs. But you're telling me if I have no choice but to shut down I need to somehow look in a crystal ball into the future and ask for your permission, first, or get fees that I would obviously be unable to pay.

I have close to shutting down 2 times because clients being unable to pay, had I not been able to borrow from family and then a high-rate loan I would've gone bankrupt, with just a month's notice of being unable to collect from clients.

This is just stupid.

The LAST thing we want to do is lay people off, and even then it's a last resort…it's not like the Business Gods are giving us prophecy to see into the future.

Agency Response:

The comment addresses concerns outside the scope of the rulemaking. This rulemaking pertains only to the documentation employers should submit to the Department if they are seeking an exemption to the notice requirements. The commenter appears to be concerned about the requirement to provide notice of a layoff or closure 60 days before it occurs. The 60-day notice requirement is in RCW 49.45.020, and the Department does not have authority to alter the statutory requirements. Therefore, the Department will not make any changes to the rule based on the comment.