



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 08-17-068 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: Chapter 296-135 WAC, Leave for Victims of Domestic Violence, Sexual Assault, or Stalking

Hearing location(s):
 Department of Labor and Industries
 7273 Linderson Way SW, Room S117
 Tumwater, Washington

Date: May 25, 2010 Time: 9:00 am

Submit written comments to:

Name: Sally Elliott
 Address: Post Office Box 44400
 Olympia, Washington 98504-4400
 e-mail yous235@lni.wa.gov
 fax (360) 902-5292 by May 25, 2010

Assistance for persons with disabilities: Contact Sally Elliott by May 10, 2010 at yous235@lni.wa.gov or (360) 902-6411

Date of intended adoption: July 6, 2010
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking is a result of Substitute House Bill 2602, Chapter 286, Laws of 2008, which became effective on April 1, 2008. The law requires employers to provide employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims, with reasonable or intermittent leave from work, upon advance notice except in emergencies, for seeking or obtaining legal or law-enforcement assistance, medical treatment, social services, or counseling, or for safety planning or relocation. The law prohibits employers from discriminating against employees who exercise rights protected by this bill and it creates administrative and civil causes of action for violation of the provisions of the bill. Rules are needed to administer and enforce this law. The legislature directed the adoption of rules through the passage of this bill.

The new rules will:

- Clarify the meaning of terms; and
- State the scheme of administration and enforcement.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: Chapter 49.76 RCW and Chapter 286, Laws of 2008 (Substitute House Bill 2602)

Statute being implemented: Chapter 49.76 RCW and Chapter 286, Laws of 2008 (Substitute House Bill 2602)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:		

DATE
April 20, 2010

NAME (type or print)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 20, 2010
TIME: 2:48 PM

WSR 10-09-090

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

NA

Name of proponent: (person or organization) Department of Labor and Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Elizabeth Smith	Tumwater, Washington	(360) 902-5310
Implementation..... Steve McLain	Tumwater, Washington	(360) 902-6348
Enforcement..... Steve McLain	Tumwater, Washington	(360) 902-6348

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The department determined the proposed rules do not require a small business economic impact statement because the rules do not impose more than minor costs on business, pursuant to RCW 19.85.030(1). In addition, many of the rules adopt or incorporate by reference without material change the language of other Washington state statutes and regulations. See RCW 19.85.025(3), referencing RCW 34.05.310(4)(c).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Sally Elliott

Address: Department of Labor and Industries

Post Office Box 44400

Olympia, Washington 98504-4400

phone (360) 902-6411

fax (360) 902-5292

e-mail yous235@lni.wa.gov

No: Please explain: