



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) September 1, 2010 (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: This rulemaking is a result of Substitute House Bill 2602, which passed the 2008 Legislature and became effective on April 1, 2008. This bill requires employers to provide employees with reasonable or intermittent leave from work upon advance notice, except in emergencies, for specified activities if the employee or family member is a victim of domestic violence, sexual assault, or stalking. Leave can be used for seeking or obtaining legal or law enforcement assistance, medical treatment, social services, counseling, or for safety planning or relocation.

Employers are prohibited from discriminating against employees who exercise rights protected by this bill. Administrative and civil causes of action for violation of the provisions of the bill are created. Rules are needed to administer and enforce SHB 2602. 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.

Citation of existing rules affected by this order:

Repealed: None.
Amended: None.
Suspended: None.

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

Other authority: None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-09-090 on April 20, 2010.
Describe any changes other than editing from proposed to adopted version: Please see Attachment 1.

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

Name: Sally Elliott	phone (360) 902-6411
Address: Post Office Box 44400	fax (360) 902-5292
Olympia, Washington 98504-4400	e-mail yous235@lni.wa.gov

Date adopted: July 6, 2010

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 06, 2010

TIME: 1:21 PM

WSR 10-14-099

**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	<u>22</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>22</u>	Amended	_____	Repealed	_____

The following amendments were made to the proposed rules:

- WAC 296-135-010(6), added “and individuals in state registered domestic partnerships”.
- WAC 296-135-010(6), added reference to RCW 1.12.080.
- WAC 296-135-010(8), added “or of a partner in a state registered domestic partnership”.
- WAC 296-135-010(8), added reference to RCW 1.12.080.
- WAC 296-135-010(12), added “partner in a state registered domestic partnership,”.
- WAC 296-135-010(12), added reference to RCW 1.12.080.
- WAC 296-135-010(14), added “or “reduced work schedule””.
- WAC 296-135-010(19)(c), added “, including but not limited to a licensed mental health counselor under chapter 18.225 RCW and a licensed dentist under chapter 18.32 RCW.”
- WAC 296-135-020, deleted Example 1 and 2.
- WAC 296-135-030, deleted “to comfort the family member” from Example 2.
- WAC 296-135-040(1), added subsection (c) and deleted “available to the employee”.
- WAC 296-135-040(2)(b), deleted “leave” and replaced with “work”.
- WAC 296-135-040, added subsection (c) to read “in a single block of time”.
- WAC 296-135-060(1)(b), deleted “five calendar days’ notice” and replaced with “advance notice as soon as practicable”.
- WAC 296-135-090, in note change “employer” to “employers”.
- WAC 296-135-120, deleted “and unless prohibited by an employer’s health plan”.
- WAC 296-135-150, deleted proposed subsection (4).
- WAC 296-135-150, added new subsection (4) to include the following language “The appeal shall be in writing, stating the reasons why the proposed decision is incorrect, and must be filed with the director. The appealing party must serve on all other parties or their representatives a copy of the notice of appeal at the time it is filed”.
- WAC 296-135-150, renumbered subsection (5).
- WAC 296-135-150, renumbered subsection (6) and added “if any”.
- WAC 296-135-150, renumbered subsection (7).
- WAC 296-135-150, renumbered subsection (8).