



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>17-020-082</u> ; 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) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) Rules implementing Initiative 1433, An Act Related to Fair Labor Standards – Paid Sick Leave and Retaliation; Chapter 296-128 WAC, Minimum wages

Hearing location(s): See Attachment 1

Date: _____ Time: _____

Submit written comments to:

Name: Allison Drake
Address: PO BOX 44400
Olympia, WA 98504-4400
e-mail i1433Rules@Lni.wa.gov
fax (360) 902-5300 by September 1, 2017 at 11:59 p.m.

Assistance for persons with disabilities: Contact

Office of Information and Assistance by August 7, 2017

TTY (360) 902-5797 or (360) 902-5304

Date of intended adoption: October 17, 2017

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking is being proposed to implement Initiative 1433, An Act Relating to Fair Labor Standards, which requires employers provide paid sick leave to employees. These proposed rules will:

- Set parameters for the directives in Chapter 49.46 RCW.
- Create definitions and descriptions for paid sick leave pertaining to: written policies, accrual, usage, variance from required increments of use, reasonable notice, verification for absences exceeding three days, rate of pay, payment of paid sick leave, separation and reinstatement of accrued paid sick leave upon rehire, paid time off (PTO) programs, shared leave, shift swapping, frontloading, third party administrators, employee use of paid sick leave for unauthorized purposes, employer notification and reporting to employees, and retaliation.

In addition to the paid sick leave proposed rules, amendments are being proposed to rules updating outdated language concerning people with disabilities to “People-first” language.

Enforcement of the retaliation and enforcement directives related to the implementation of Initiative 1433 are being addressed in a separate rulemaking.

Reasons supporting proposal: The department must implement the will of the people as passed by Initiative 1433.

Statutory authority for adoption: RCW 49.46.810

Statute being implemented: RCWs 49.46.005, 49.46.020, 49.46.090, 49.46.100, 49.46.120, 49.46.200, 49.46.210, 49.46.810, 49.46.820, and 49.46.830

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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 05, 2017

TIME: 11:46 AM

WSR 17-14-113

DATE

July 5, 2017

NAME (type or print)

Joel Sacks

SIGNATURE

TITLE

Director

(COMPLETE REVERSE SIDE)

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

The proposed rule language describes the specifics of the statutes directly, but several rules are department interpretations of the statutes. The department, in consultation with worker and employer representatives, will develop policy templates, along with policy examples employers may use to comply with the new rules.

Name of proponent: (person or organization) Department of Labor and Industries, as directed by Initiative 1433.

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Allison Drake	Tumwater, WA	(360) 902-5304
Implementation....	Elizabeth Smith	Tumwater, WA	(360) 902-5933
Enforcement.....	Ernie LaPalm	Tumwater, WA	(360) 902-9140

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Allison Drake

Address: PO BOX 44400

Olympia, WA 98504-4400

phone (360) 902-5304

fax (360) 902-5300

e-mail i1433Rules@Lni.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Allison Drake

Address: PO BOX 44400

Olympia, WA 98504-4400

phone (360) 902-5304

fax (360) 902-5300

e-mail i1433Rules@Lni.wa.gov

No: Please explain:

Attachment 1

Initiative 1433, An Act Related to Fair Labor Standards – Paid Sick Leave and Retaliation CR-102 - Public Hearings

August 8, 2017, 10:00 a.m.
Labor & Industries Headquarters
Auditorium
7273 Linderson Way SW
Tumwater, WA 98501

August 16, 2017, 10:00 a.m.
Spokane CenterPlace
Auditorium
2426 N. Discovery Pl.
Spokane Valley, WA 99216

August 17, 2017, 10:00 a.m.
Columbia Basin Community College
L102, Building L
2600 North 20th Ave
Pasco, WA 99301

August 29, 2017, 10:00 a.m.
Xfinity Center, Edward D Hansen Conference Center
Ballroom 3 South
2000 Hewitt Avenue, Suite 200
Everett, WA 98201

Affected WACs:

AMENDED SECTIONS:

WAC 296-128-010 Records required
WAC 296-128-055 Definition
WAC 296-128-060 Application for certificate
WAC 296-128-065 Conditions for granting certificate
WAC 296-128-070 Issuance of certificate
WAC 296-128-075 Terms of certificate

NEW SECTIONS:

WAC 296-128-600 Definitions
WAC 296-128-610 Requirements for a written policy – Duty of the department to provide sample policies
WAC 296-128-620 Paid sick leave accrual
WAC 296-128-630 Paid sick leave usage
WAC 296-128-640 Variance from required increments of paid sick leave usage
WAC 296-128-650 Reasonable notice
WAC 296-128-660 Verification for absences exceeding three days
WAC 296-128-670 Rate of pay for use of paid sick leave
WAC 296-128-680 Payment of paid sick leave
WAC 296-128-690 Separation and reinstatement of accrued paid sick leave upon rehire
WAC 296-128-700 Paid time off (PTO) programs
WAC 296-128-710 Shared leave
WAC 296-128-720 Shift swapping
WAC 296-128-730 Frontloading
WAC 296-128-740 Third-party administrators
WAC 296-128-750 Employee use of paid sick leave for unauthorized purposes
WAC 296-128-760 Employer notification and reporting to employees
WAC 296-128-770 Retaliation