



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: May 07, 2024

TIME: 9:15 AM

WSR 24-11-021

Agency: Department of Labor & Industries

Title of rule and other identifying information: (describe subject) Paid Sick Leave. Amending WAC 296-128-600, 296-128-765, and 296-128-99140.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to amend rules for accordance with recently passed legislation, Engrossed Substitute Senate Bill 5793 (ESSB 5793) and Senate Bill 5979 (SB 5979). The proposed rules implement ESSB 5793 and SB 5979 without material change. SB 5979 changes which workers in the construction industry must receive paid sick leave pay outs following separation. ESSB 5793 allows workers to use paid sick leave when their child's school or place of care is closed after the declaration of an emergency by a local or state government or agency, or by the federal government and expands the definition of family member.

Reasons supporting proposal: The changes in this expedited rulemaking will align with the current statutory requirements under RCW 49.46.210 and statutory requirements effective January 1, 2025, from ESSB 5793.

Statutory authority for adoption: Chapter 49.46.210 RCW

Statute being implemented: RCW 49.46.210

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:

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

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Bridget Osborne	Tumwater, WA	360-902-5552
Implementation:	Bryan Templeton	Tumwater, WA	360-902-6639
Enforcement:	Bryan Templeton	Tumwater, WA	360-902-6639

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): Expedited rule making is necessary to align rule sections in accordance with recent changes to Washington state statutes, effective March 13, 2024, and January 1, 2025, without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: Department of Labor & Industries
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Other:

AND RECEIVED BY (date) July 22, 2024, by 5:00 p.m.

Date: May 7, 2024

Name: Joel Sacks

Title: Director

Signature:

