



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 31, 2017

TIME: 12:12 PM

WSR 17-22-117

**Agency:** Department of Labor and Industries

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 1, 2018 (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:** The purpose of this adoption is to update the appeal extension dates within WAC 296-900-17005 to coincide with 2017's House Bill (HB) 1629 (Chapter 13, Laws of 2017).

Additional updates made during this rulemaking, not affiliated with House Bill 1629, were housekeeping changes and eRules formatting, as well as adding the option to file appeals electronically, all of which do not introduce new requirements or cause any costs to employers.

Changes being adopted as proposed in this rulemaking to be consistent with HB 1629:

- In subsection (6)(b), changed the extension time period from 15 working days to up to 45 working days to be consistent with HB 1629.
- In subsection (7), changed the language regarding the total reassumption time period to up to 75 working days if all parties agree to the extension of up to 45 working days.

Other changes being adopted as proposed in this rulemaking include:

- In subsections (2) and (4), added new language to allow for electronic submission via email to: [DOSHappeals@lni.wa.gov](mailto:DOSHappeals@lni.wa.gov).
- Changed bullets and dashes to letters and numbers where applicable.
- Moved bold "you must" to beginning of sentence in the new numbered subsections (1) and (2) as part of eRules language reformatting.
- Moved bolded phrase "Employees or their designated representatives must" to beginning of the new numbered subsections (3) and (4) as part of eRules language reformatting.
- In the definition of "Reassume Jurisdiction," added a period after the defined word and removed "means that" to make the definition a complete sentence.

**Citation of rules affected by this order:**

New: N/A  
 Repealed: N/A  
 Amended: WAC 296-900-17005  
 Suspended: N/A

**Statutory authority for adoption:** RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-17-133 on August 22, 2017 (date).

Describe any changes other than editing from proposed to adopted version: There were not any changes to the proposed language. We adopted the language as proposed.

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

Name:

Address:  
Phone:  
Fax:  
TTY:  
Email:  
Web site:  
Other:

**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	___	Amended	<u>1</u>	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	<u>1</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>1</u>	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	___	Amended	___	Repealed	___

**Date adopted:** October 31, 2017

**Name:** Joel Sacks

**Title:** Director

**Signature:**

