



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 30, 2022

TIME: 1:33 PM

WSR 22-24-026

Agency: Office of Financial Management (OFM)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2023 (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: Washington’s Paid Family and Medical Leave, or PFML insurance program, as codified in Title 50A RCW, became effective on October 19, 2017. Beginning January 1, 2020, the PFML program provides a partial wage replacement for Washington workers for an employee’s own medical condition, to care for family members, bonding with a child or for certain military-related events. Under the PFML program, the Employment Security Department will replace up to 90% of an employee’s average weekly wage (up to \$1,000 per week). During the 2019 legislative session, the law was amended to allow the employer to offer a “supplemental benefit” to employees while they are on approved PFML. Chapter 233, Laws of 2022 (2SSB 5649), effective June 9, 2022, expanded Title 50A RCW to provide seven calendar days of leave to an employee following the death of their child when the employee would have (1) been approved for medical leave for the birth of their child; or (2) approved for family leave to bond with their child during the first 12 months after the child’s birth or placement. Amend WAC 357-31-248 to add bereavement leave as a supplemental benefit during a period an employee is receiving partial wage replacement for paid family and/or medical leave for the death of an employee’s family member or household member in accordance with WAC 357-31-250.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: 357-31-248
- Suspended:

Statutory authority for adoption: RCW 41.06.133

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-20-097 on October 4, 2022 (date).
Describe any changes other than editing from proposed to adopted version:

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	1	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 on the agency's own initiative:

New		Amended	1	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		Amended	1	Repealed	___

Date Adopted: 11/30/22

Name: Nathan Sherrard

Title: Assistant Legal Affairs Counsel
Office of Financial Management

Signature:

