



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Labor and Industries

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**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 to implement requirements of Engrossed Substitute Senate Bill (ESSB) 6293 (Chapter 62, Laws of 2016) which allows public and private colleges to create unpaid student volunteer programs in for-profit or non-profit businesses, and allows those businesses to elect medical aid coverage for student volunteers and unpaid students participating in the program. Providing employers the opportunity to elect medical aid coverage for student volunteers and unpaid students in experience-based activities will encourage more employers to participate in these school-sponsored programs. ESSB 6293 is effective on June 9, 2016.

Also, private colleges will now be able to elect medical aid coverage for qualifying students volunteering for the college. (Current law requires state colleges to cover volunteers serving the college, but allows only charitable private organizations to elect coverage for volunteers.)

This legislation also creates a means for all entities with coverage for volunteers, student volunteers, or unpaid students to cap reporting at 100 hours per volunteer per calendar year. This type of reporting is not currently an option for employers and L&I must design rules to implement such a reporting and premium change.

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

Repealed: n/a  
 Amended: See Attachment A  
 Suspended: n/a

**Statutory authority for adoption:** RCW 51.04.020 and RCW 51.16.035

**Other authority :** n/a

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: These rules should be in place to allow proper workers' compensation insurance reporting based on the requirements of ESSB 6293. There is currently no mechanism in place to allow the new type of employer reporting method. In addition, employers may now elect coverage for student volunteers and unpaid students beyond what was previously allowed by law. Immediate rulemaking is necessary to provide these additional coverage elections.

**Date adopted:** June 9, 2016

**NAME (TYPE OR PRINT)**

Joel Sacks

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: June 09, 2016**

**TIME: 9:16 AM**

**WSR 16-13-050**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>1</u>	Amended	<u>5</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	_____	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:**

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

**Attachment A: 2016 Volunteer rules**

**Chapter 296-17 WAC, General Reporting Rules, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance and Chapter 296-17A WAC Classifications for Washington Workers' Compensation Insurance**

**New:**

WAC 296-17-935                      Options for reporting qualifying volunteers, including student volunteers and unpaid students

**Amend:**

WAC 296-17-35201                  Recordkeeping and retention

WAC 296-17-925                    Student volunteers

WAC 296-17-930                    Volunteers

WAC 296-17A-6901                  Classification 6901 (Volunteers and student volunteers)

WAC 296-17A-6906                  Classification 6906 (Volunteer law enforcement officers)