

WAC 192-700-015 How is employer size determined for employment protection? (1) Employment protection is available to employees as provided in RCW 50A.35.010.

(2) For the purpose of RCW 50A.35.010 (6)(a)(i), employers are considered to have the required number of employees when:

(a) The employer has the required number of employees or more employed each work day for 20 or more calendar workweeks; and

(b) The 20 calendar workweeks occur in the current calendar year or occurred in the preceding calendar year.

(3) For the purposes of this section, any employee whose name appears on the employer's payroll will be considered employed. Employees on paid or unpaid leave, including leave taken under Title 50A RCW, leave taken under the federal Family and Medical Leave Act, leaves of absence, disciplinary suspension, etc., are counted as long as the employer has a reasonable expectation that the employee will later return to active employment. If there is no employer/employee relationship (as when an employee is laid off, whether temporarily or permanently) such individual is not counted.

[Statutory Authority: RCW 50A.05.060. WSR 26-01-027, s 192-700-015, filed 12/5/25, effective 1/1/26. Statutory Authority: RCW 50A.04.215. WSR 19-16-081, § 192-700-015, filed 7/31/19, effective 8/31/19.]