

Washington **Paid Family & Medical Leave**



Paid Family and Medical Leave
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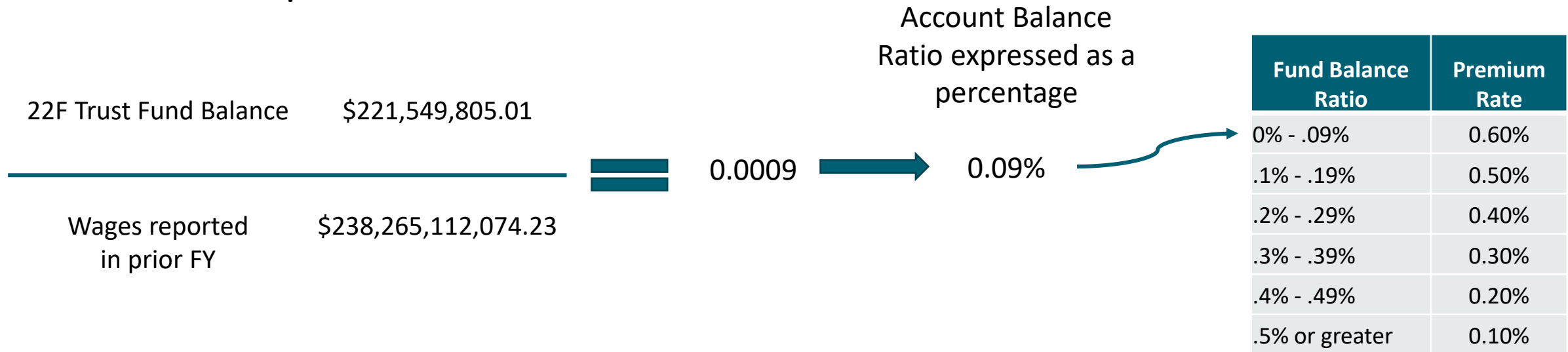


What is Paid Family and Medical Leave



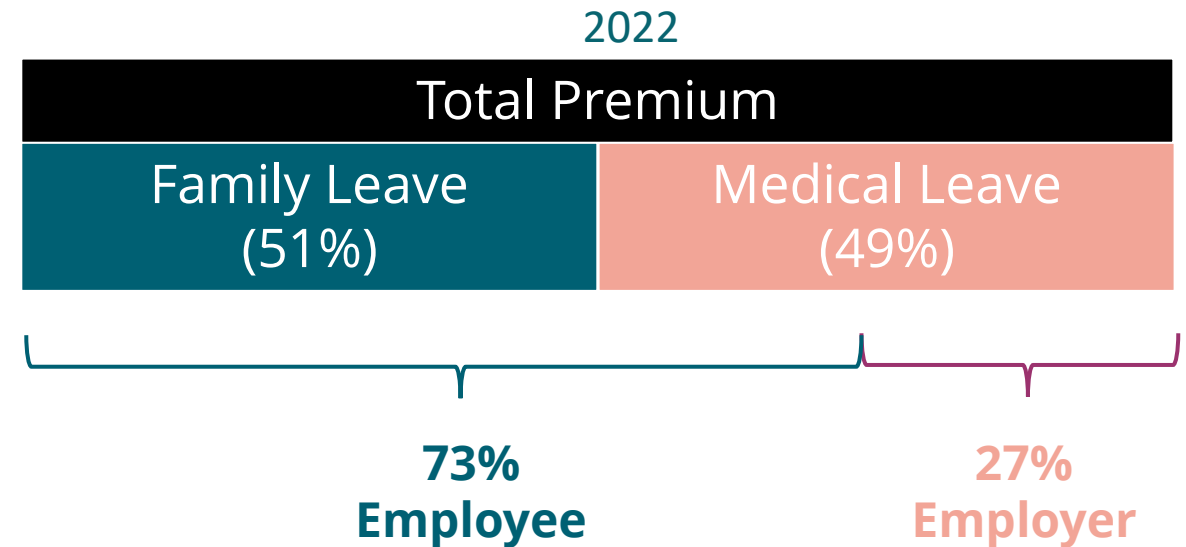
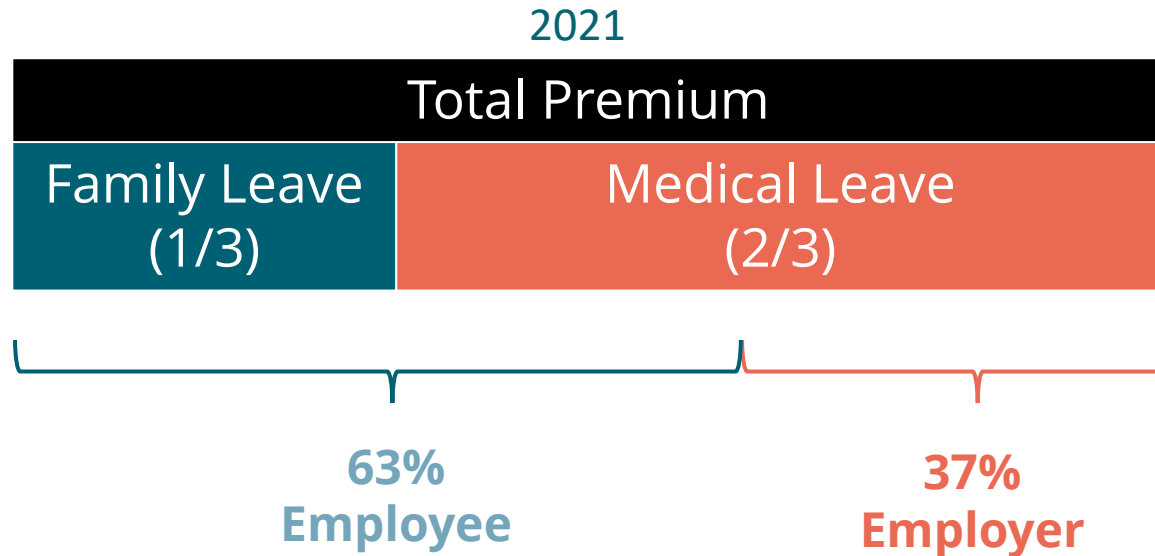
Premium rate calculation for 2022

- Set at 0.4% for 2019-2020
- Remained at 0.4% for 2021
- 2022 the premium rate was set at 0.6%



Variable family-medical split -- begins in 2022

- Premium split is proportional to family vs medical claims volumes
 - Claims paid = leave claims with at least one payment in the prior fiscal year
- Employee / Employer share varies based on Family / Medical split
 - Employer's fund 55% of medical and employees fund 45% of medical and 100% of family



What is Paid Family and Medical Leave?

Paid leave from work for family or medical leave qualifying events.

Generally, you [apply](#) directly with the state, not your employer.

Benefit is paid directly to you, not through your employer.

Leave can be job protected if you qualify.



Notice to employer

- Employees give written notice to their employer(s)
 - **Planned events:** Employee gives at least 30 days' notice
 - **Unplanned events:** Employee gives notice as soon as practicable
 - Written notice includes letters, handwritten notes, emails and text messages.
- The department will notify an employer of an application
 - Employers have 18 days to respond



Application process

- Apply online or with a paper application
- Customers will receive a determination letter from the department about their qualifying event with calculations of
 - their typical work week hours
 - weekly benefit amount



Two-part eligibility



Hours worked

- 820 hours in the qualifying period (about the last year*).
- At one employer or cumulatively.



Qualifying event

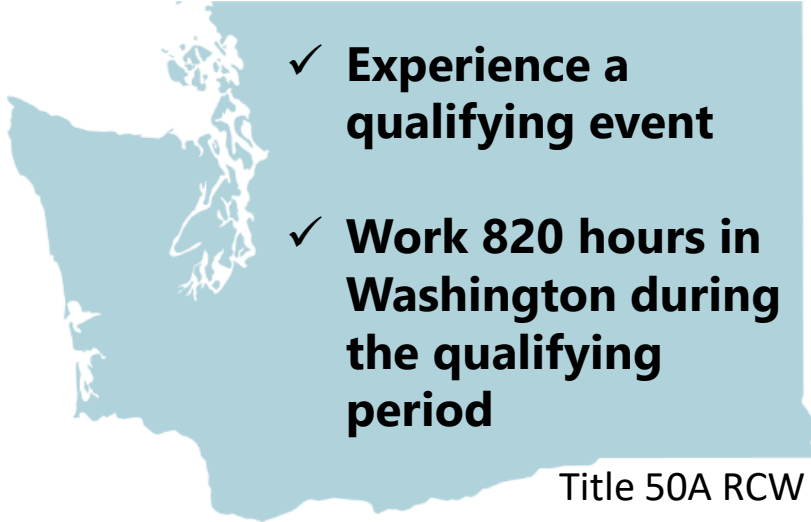
- Serious health condition (your own or a family member's).
- Birth or placement.
- Military events.

Family Member defined

- 👍 Child (step, in-law)
- 👍 Grandchild
- 👍 Spouse/Domestic Partner
- 👍 Sibling (step)
- 👍 Parent (step, in-law)
 - Loco Parentis
 - Legal Guardian
 - De Facto Parent
- 👍 Grandparent (in-law)
- 👍 Any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care*

*Implemented by SB 5097 in 2021 legislative session

Eligibility



Qualifying events

- Welcoming a child through birth, placement, foster or adoption**
- Serious health conditions or injuries (your own or a family member's)
- Certain military-connected events

Claim Filed August 2nd



Qualifying Period					
\$7000	\$4500	\$6000	\$4700	\$6000	Current Quarter
Apr. May Jun.	Jul. Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May Jun.	Jul. Aug. Sep.
393 hours	126 hours	291 hours	178 hours	291 hours	unreported

The qualifying period is the first four of the last five completed calendar quarters.

Typical workweek hours - calculation

FULL-TIME AND
SALARIED EMPLOYEE AT
TIME OF APPLICATION

40 HOURS

ALL OTHER EMPLOYEES

- Look at the employee's qualifying period
 - First four of the last five completed calendar quarters; OR
 - Last four completed calendar quarters.
- Add all hours reported by the employer for those quarters.
- Divide by 52
- EXCEPTION: If an employee's qualifying period includes Q4, 2018, add all hours reported by the employer for Q1, Q2, and Q3, 2019 and divide by 39.

Typical workweek hours - example

- Employee's qualifying period:
 - Q1: 393 hours
 - Q2: 126 hours
 - Q3: 291 hours
 - Q4: 178 hours

Claim Filed August 2nd
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393 hours	126 hours	291 hours	178 hours	291 hours	unreported

The qualifying period is the first four of the last five completed calendar quarters.

$$988 \text{ hours} \quad /52 = \quad \mathbf{19 \text{ HOURS}}$$

Weekly benefit amount - calculation

- Determine the employee's average weekly wage
 - Review employee's qualifying period
 - Identify top two highest-earning quarters
 - Add all wages reported for those two quarters
 - Divide by 26



Employees can earn up to 90% of their average weekly wage
(up to \$1327 for claims applied for in 2022)

Weekly benefit amount - calculation

1. Compare average weekly wage to state average weekly wage
2. If employee's average weekly wage is

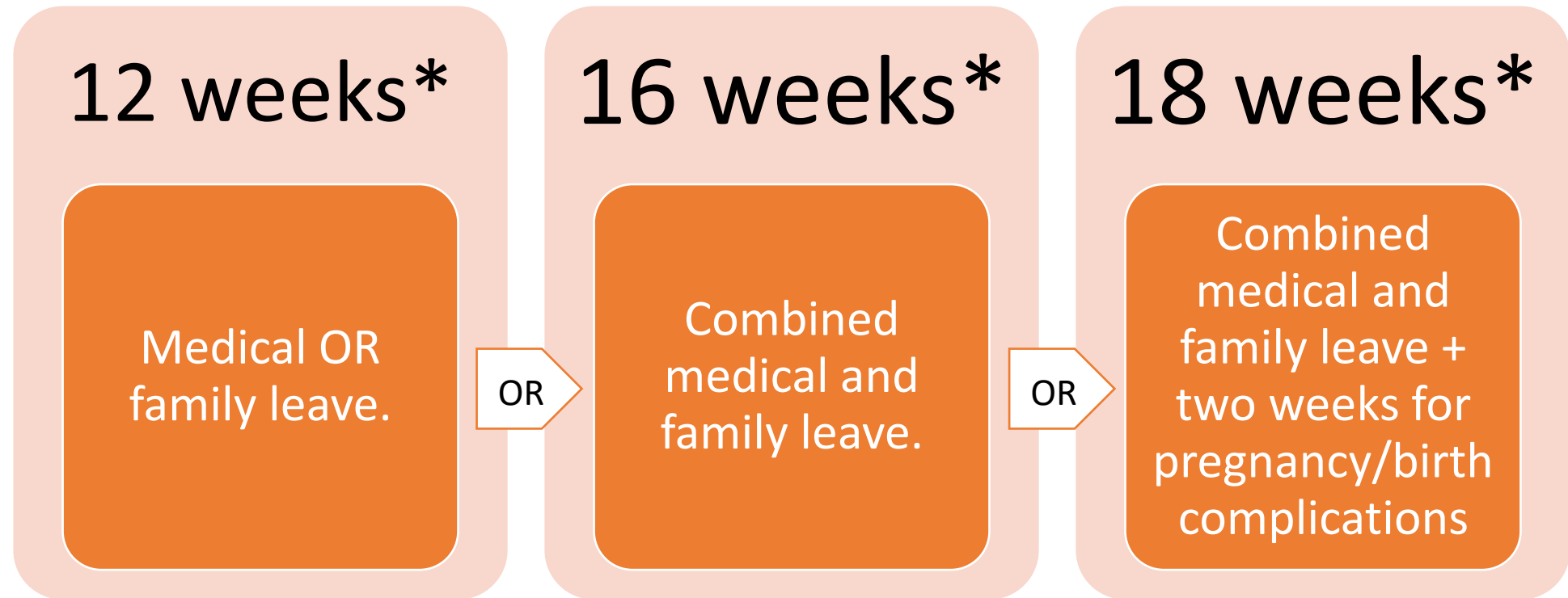
less than or equal to half of state average weekly wage

- Employee's weekly benefit amount is 90% of their average weekly wage.
- 2020 SAWW \$1475
 - $\frac{1}{2}$ SAWW = \$737.50

greater than half of state average weekly wage

- Employee's weekly benefit amount is the SUM of:
 - 90% of one-half of the state average weekly wage; and
 - 50% of the difference between one-half of the state average weekly wage and the employee's average weekly wage.

Weeks of leave in a claim year



* "Weeks" = typical workweeks

Your Paid Family and Medical Leave Application Checklist

Use this checklist to help you gather the information and take the steps you need to apply for paid leave.

FOR ALL LEAVE:

- ☐ Give your employer at least 30 days written notice, when possible, and save a copy.
- ☐ Have Proof of ID ready.
The state accepts many kinds of documents as proof of identity. The [full list](#) is available on the website, and includes:
 - Driver's license
 - Passport
 - Utility bill (phone, electric, etc.)
 - Paycheck or pay stub

FOR MEDICAL, FAMILY, AND MILITARY LEAVE:

- ☐ Medical leave:
 - [Certification of Serious Health Condition](#) form or
 - Family Medical Leave Act paperwork
- ☐ Leave to care for a family member:
 - The family member's [Certification of Serious Health Condition form](#) or
 - The family member's Family Medical Leave Act paperwork
- ☐ Military family leave:
 - Active duty orders or other formal military documentation

FOR PARENTAL LEAVE:

- | | |
|---|--|
| ☐ Proof of birth:
Certification of Birth form | ☐ Proof of adoption or foster placement:
Court or agency documents to show foster care, adoption or guardianship placement |
|---|--|

Applying for paid family or medical leave:

- Notify your employer that you intend on applying for and taking paid family or medical leave.
- Have identification and any required proof or certification readily available.
- Applying online? Will need to have or create a secure online account.
- Applying by paper or need additional assistance? Contact (833)717-2273
- Extra resources, review the [Benefit Guide](#).

File weekly claims

- File online or over the phone
- File up to 4 weekly claims at a time
- Minimum claim duration = 8 hours/week
- Waiting period required for some leave types.
 - Medical leave (not related to birth)
 - Family leave to care for a family member with a serious health condition.



Job protection

Generally, in order to qualify for employment protection provided under RCW 50A.35.010 while claiming PFML, the employee must:

- Work for an employer with 50 or more employees
- Have been employed with the current employer for 12 months or more
- Have worked for the employer for at least 1250 hours during the 12 months prior to leave starting

An employer may also be required to maintain health benefits.



Job protection PFML/FMLA comparison

PFML	<u>FMLA</u>
• Paid – Apply with the state	• *Not paid – Apply with employer
• Work for an employer with 50 or more employees (within the state) • Have been employed with the current employer for 12 months or more • Have worked for the employer for at least 1250 hours during the 12 months prior to leave starting	• Work for a ‘covered employer’ at a location with 50 employees within 75 miles • Have been employed with the current employer for 12 months or more • Have worked for the employer for at least 1250 hours during the 12 months prior to leave starting
• PFML covers any type of FMLA up to state program maximum	• FMLA allows for up to 26 workweeks to care for a covered servicemember. *spouse, son, daughter, parent, next of kin
• Expanded definition of family member	• Spouse, son, daughter, parent

Job protection PFML/FMLA comparison

PFML	FMLA
• Protection entitlement starts at claim effective date	• Protection entitlement at employer's determination for 12-month period
• Intermittent leave is available for all leave types	• Employee is not entitled to intermittent leave for birth and care of a newborn or newly placed child without employer agreement
• Leave is available to each individual up to their entitlement, if they qualify	• Spouses working for the same employer are limited to combined 12 weeks of leave for bonding or caring for a parent with serious health condition
• Health benefits maintained if leave is overlapped with FMLA	• Maintains health benefits same as if employee was working

Other program elements

- An employer may choose to provide *supplemental benefits*.
- An employer may apply for a *voluntary plan* to administer the benefit.
- Business smaller than 150 employees may apply for a *small business assistance grant*.
- Individual employees along with their employer may apply for 'out-of-state premium waiver' for employment less than 820 hours in WA.
- Employees may file *damage complaints*.
- *Ombuds* services.





What has recently changed in PFML?

2022 legislation 2SSB 5649

Leave for a death	• Allows for 7 days of family leave for a death (related to birth or bonding.)
Postnatal medical leave	• Defines 'postnatal' period as the first 6 weeks after birth and considered medical leave.
Publish VP employer list	• Communication coordination in progress to post a list of employers who hold an approved voluntary plan.
Data collection on COVID-related leave	• Requesting at the application if leave is related to COVID.
Sunsetting collective bargaining agreement provision	• CBA exclusion expires Dec. 31, 2023, all employees covered by a CBA now will be participating in the program.

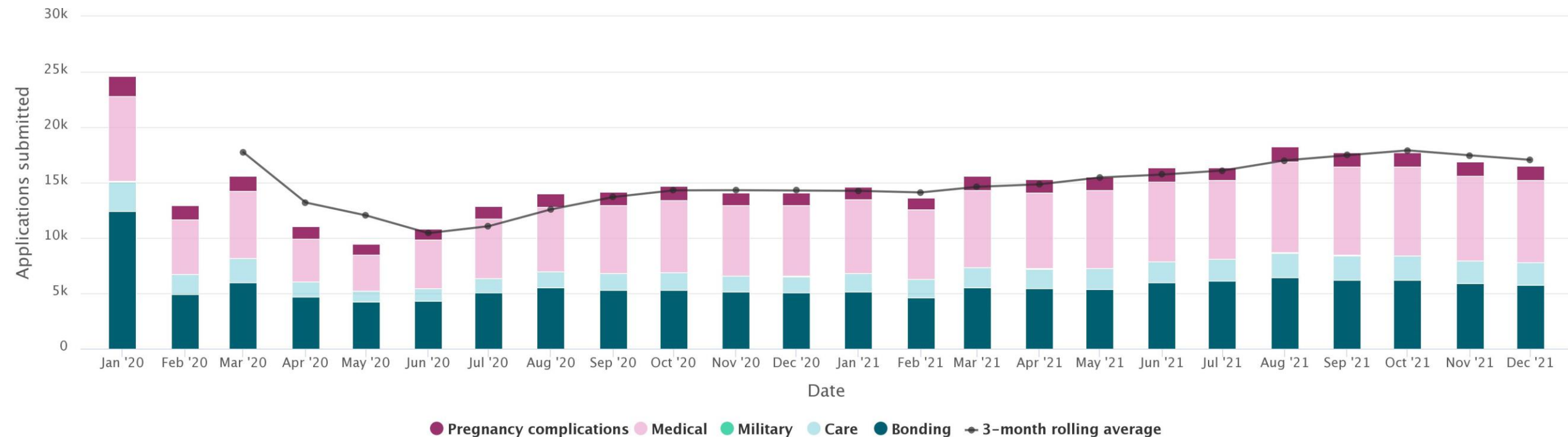
2SSB 5649 & other bills

Office of Financial Management	• By Oct. 1, 2022, OFM to report on trust account, recommendations to improve long-term stability and solvency, comparison with other states.
ESD Office of Actuarial Services, reports	• Beginning Jan. 1, 2023, Office of Actuarial Services is created at ESD; provides actuarial services to the program. • Quarterly reports to Advisory beginning Oct. 1, 2023. • Reports to the legislature annually.
Premiums and solvency legislative task force & JLARC	• Task force convened by the legislature to provide recommendations; Report due Dec. 30, 2022. • By Oct. 1, 2024, JLARC to conduct analysis and provide recommendations on administrative efficiency and solvency.
Other bills	• ESHB 2076 – Excludes drivers of a transportation network company from PFML & WA Cares. • HB 1613 – Applies privacy provisions for PFML employer reports to WA Cares.



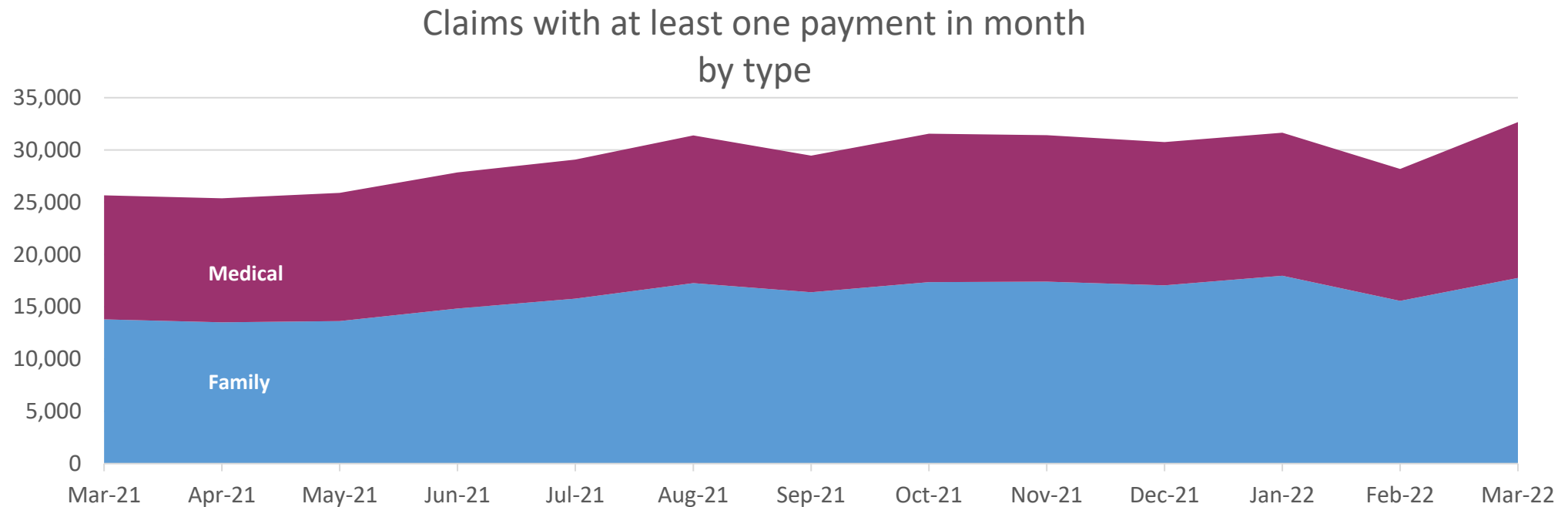
PFML by the numbers

How many applications have we received?



Approval rate and monthly claims with payment(s)

- Percentage of claims approved relatively stable in past year
 - About 83% approved overall
- Unique leave claims in the last 12 months – 89,510 family and 88,050 medical
- March 2022 total unique leave claims: 32,660.
 - 27% more than March of last year.



Contact us



833-717-2273



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paidleave.wa.gov