
Policy: Paid Family and Medical Leave (PFML)

Washington State Paid Family and Medical Leave

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020. This policy provides a summary of the PFML program. Employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent applicable statutes and regulations.

Payroll Deductions. The PFML program is funded through premiums collected by ESD via payroll deductions and City contributions. The premium rate is established by law. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

Eligibility. Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

Benefit Continuation:

a. When an employee is on authorized PFML leave, the City will continue the employee's health benefits during the authorized PFML leave period at the same level and under the same conditions as if the employee had continued to work.

b. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City may require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

c. If the employee pays a portion of the health care premium, it is the employee's responsibility to continue to make this payment. If an employee contributes to an optional health and welfare plan such as life insurance or disability policy, the City will continue to make payroll deductions while the employee is on paid leave. Employees may pay their premiums by using accrued paid leave while on PFML, or by making payment arrangements with the benefits office. If the payment is more than 30 days late, the employee's health coverage may be discontinued for the duration of the leave period, or the City will recover any payments made on behalf of the employee at the end of the leave period.

Leave Entitlement. Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child (including in-laws), grandchild, parent (including in-laws), grandparent (including in-laws), sibling, spouse, or 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. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

PFML may run concurrently with FMLA where an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

PFML Application Process. An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

Notification Requirements. An employee must provide written notice to the City of the intent to take PFML leave. This notice should be sent to the employee's supervisor, and the Disability and Leave Management (DLM) office (HR). If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee should make a reasonable effort to schedule the treatment so as not to unduly disrupt City business.

If taking leave intermittently, an employee must notify the City each time PFML leave is taken so that the City may properly track leave use.

PFML Monetary Benefits. If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, subject to ESD adjustments. ESD's website provides a benefit calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, or a qualifying military exigency, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week.

Supplementation of PFML with Paid Leave. Paid leave (vacation, sick leave, personal time off (PTO), floating holidays, paid holidays, compensatory time, or any other accrued leave) are considered supplemental to PFML. An employee may elect to use such accrued leave in accordance with the Code and leave policies during a PFML-covered absence, and the receipt of accrued leave does not need to be reported to ESD as part of the PFML claims process. Employees may not supplement PFML with shared leave.

Job Restoration; Return to Work Recertification. An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the City as soon as possible.

Reference:	Chapter 50A RCW
Contact Info:	Human Resources Department, Disability and Leave Management Office, 253-591-5452 or by email at DLM@cityoftacoma.org
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