

Washington **Paid Family & Medical Leave**



Employment Security Department
WASHINGTON STATE

Employer Overview

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What we will cover today

- How Paid Family and Medical Leave helps
- What Paid Family and Medical Leave is
- Employer responsibilities
- Example scenarios
- Where to learn more

Why Paid Family and Medical Leave

Bills	Account Balance
Paycheck	+ \$800
Housing	- \$600
Food	- \$100
Utilities	- \$50
Balance	\$50

The ability to absorb a disruption in pay is not distributed equitably.



Rollout timeline



A horizontal teal line with two light blue circular markers. The first marker is positioned above the year 2019, and the second marker is positioned above the year 2020.

2019

Premium Collection
Reporting Hours & Wages

2020

Benefits Available

Leave process – Worker perspective

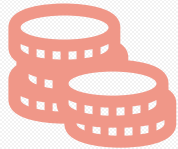
BEFORE	DURING	AFTER
<ul style="list-style-type: none">• 820 hours in qualifying period• Experience qualifying reason for leave<ul style="list-style-type: none">• Validated by Dr, paperwork managed by worker• Provide notice to employer when practicable• File claim directly with ESD	<ul style="list-style-type: none">• Generally up to 12 weeks of leave, 18 in limited circumstances• Benefit is proportion of normal weekly wage, paid by ESD to worker• File weekly claim with ESD to report still on leave and receive payment	<ul style="list-style-type: none">• Return to work• Employment protection in some cases• Must wait for new claim year to file again after exhausting benefits



Employer responsibilities

Before, during and after leave.

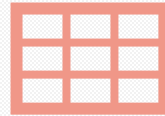
Before leave



Collect Premiums

0.4% of gross wages, shared by employer (36.667%) and employee (63.33%).

paidleave.wa.gov/premiums



Report Hours & Wages

Separate from UI reporting, but on the same calendar.

paidleave.wa.gov/reporting



Employee Notification

Notification requirements will be posted before January 2020.

paidleave.wa.gov/employers

BEFORE

DURING

AFTER

Notification to employee

Employers must:

1. Display workplace poster
2. Give notice of rights

Both will be available at paidleave.wa.gov/employers before January 2020.



BEFORE

DURING

AFTER

During leave



Continuation of health benefits

If required under FMLA, benefits must be continued. If employee pays portion, must be allowed to continue paying.



Job protection notice

If an employer doesn't intend to hold a job for an employee, and they are not required to, they must give them notice.

BEFORE

DURING

AFTER

Continuation of health benefits

An employer must continue health benefits when:

- An employee uses Paid Family and Medical Leave
- Is required to by federal FMLA



BEFORE

DURING

AFTER

After leave



Job protection

Similar to FMLA, an employee may be eligible for the same, or equivalent job when returning from leave.

BEFORE

DURING

AFTER

Job protection

Return to the same, or similar, position when a worker:

1. Works for an employer who has 50 or more employees for 20 weeks or more.
2. Has worked for that employer for at least 1 year.
3. Has worked 1250 hours for that employer in the last year.



BEFORE

DURING

AFTER

Employer responsibilities - Review

BEFORE	DURING	AFTER
<ul style="list-style-type: none">• Collect premiums• Report hours and wages• Notify employees	<ul style="list-style-type: none">• Continue health benefits (If applicable)• Job protection notice (If applicable)	<ul style="list-style-type: none">• Job protection (If applicable)

A young woman with blonde hair, wearing a red sweater, is smiling warmly at the camera. She is positioned in the foreground on the right side of the frame. The background is a workshop or factory floor, filled with various pieces of machinery, tools, and equipment, all slightly out of focus. The lighting is soft and even, highlighting the woman's features.

Frequently asked questions

Questions commonly asked by employers.

How does this interact with FMLA?

- Paid Family and Medical Leave is similar, but entirely separate from, federal Family and Medical Leave Act (FMLA).
- Use of FMLA does not diminish the benefit available in Paid Family and Medical Leave.
- An employer can not interfere with, restrain or deny an employee's use of Paid Family and Medical Leave.

Can I “top off” my employees?

- An employer can offer supplemental benefits and build their own policies around them.
- An employee can choose not to receive supplemental benefits.
- An employer can draw down Paid Time Off (PTO) as a supplemental benefit.
- Supplemental benefits must not be reported as wages in quarterly reports.
- In an open phase of rulemaking, and are subject to change.

What notice will I receive from ESD?

- First Notice: From employer when applicable
- Second Notice: When an employee files a claim
- Third Notice: When ESD approves/denies claim
- Additional Notice: In development
 - Employers want to know leave duration, benefit amount and more.
 - This may be protected by privacy requirements of the law.
 - Nothing restricts an employer from asking their employee for this information.

How can ESD help employers?



\$3,000

Grants if you hire a temporary employee to replace an employee on leave for more than seven days.

Who is eligible?

- ▶ Employers with between 50-150 employees.
- ▶ Employers with between 1-49 employees who elect to pay the employer share of premiums.



Up to **\$1,000**

Grants for significant additional wage-connected costs.

Can I offer a voluntary plan?

- **Voluntary Plan:** Employer operated paid family or medical leave plan
- Must apply to all employees
 - Full-time, part-time, seasonal, temporary employees
- Benefits must be equal or better than state plan
 - Duration of leave, premium amount, weekly benefit, and more
- Must be approved by ESD before going into effect

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Leave scenarios

Examples to help understand how this will work.

Please note:

- Three examples that are intended to illustrate how leave works.
- Each scenario is from the employer's perspective, as if these were your employees.
- Examples will not cover every aspect or scenario of leave, and employers should consult the Employer Toolkit for additional details.



Scenario: Tim



- Tim works full-time at your large construction company
- His grandfather needs 24-hour care for 3 weeks
- Has accrued 6 weeks of employer paid time off

Scenario: Chelsea



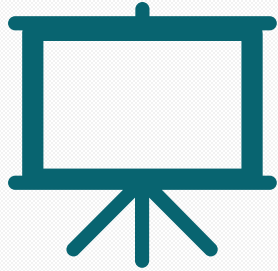
- Chelsea works full-time at your medium sized tech company
- She is expecting a new child
- Company offers 12 weeks of paid leave
- She and her partner want to maximize leave time at home with new child

Scenario: Carole



- Carole works part-time for your small retail store
- No paid leave other than state required sick leave
- She slipped on her way to class and broke her tailbone
- Dr. requires she doesn't walk for 8 weeks

Learn more



Upcoming webinar series
[Paidleave.wa.gov/events](https://paidleave.wa.gov/events)



Employer Toolkit
[Paidleave.wa.gov/employers](https://paidleave.wa.gov/employers)



6 things to know...
[Paidleave.wa.gov/workers](https://paidleave.wa.gov/workers)

Contact us



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