ICSEW

Washington
**Paid Family &
Medical Leave**

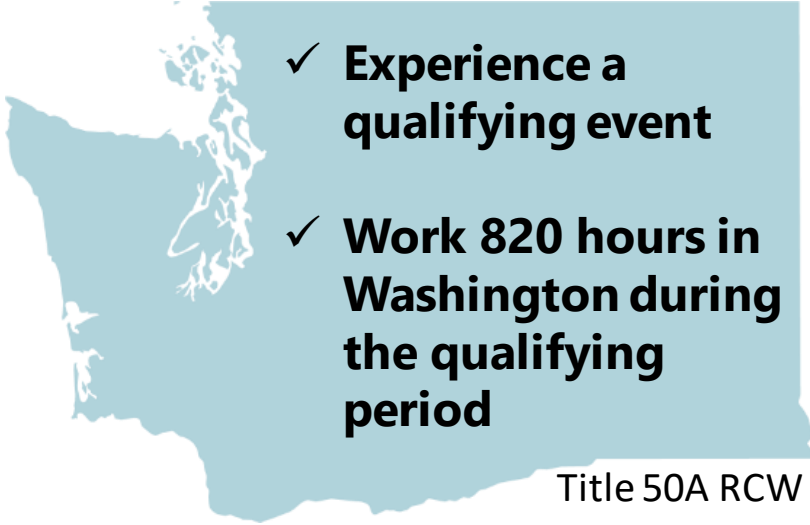**Employment Security Department**
WASHINGTON STATE

April Amundson
Paid Family and Medical Leave

Eligibility

✓ **Experience a qualifying event**

✓ **Work 820 hours in Washington during the qualifying period**

Title 50A RCW

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

Family members
- Spouse/domestic partner
- Child
- Grandchild
- Grandparent
- Parent (in-law and step)
- Sibling

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.

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

RCW 50A.05.020, RCW 50A.15.030, RCW 50A.15.050, Chapter 192-600 WAC

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

RCW 50A.15.040, Chapter 192-610 WAC, 192-610-005, 192-610-010

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.

RCW 50A.05.010(24)

Typical workweek hours - example

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

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Qualifying Period					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.

988 hours   /52 =   **19 HOURS**

RCW 50A.05.010(18), RCW 50A.15.020(2), Proposed WAC 192-620-035

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

Up to 90%

Employees can earn up to 90% of their average weekly wage (up to $1000)

RCW 50A.05.010(5), WAC 192-620-005

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	greater than half of state average weekly wage

• Employee's weekly benefit amount is 90% of their 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.

RCW 50A.15.020(4)

How it works: eligibility

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

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

RCW 50A.05.010(18), RCW 50A.15.010

Weekly benefit amount – example 1

Employee's average weekly wage: $500
State average weekly wage: $1,255

- Since $500 is less than one-half of $1,255 ($627.50), the employee's benefit amount is 90% of $500.

90% of $500 = $450

RCW 50A.15.020(4)

How it works: eligibility

Claim Filed August 2nd

Qualifying Period					
					Current Quarter
Apr. May Jun.	Jul. Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May Jun.	Jul. Aug. Sep.
13,000	$4500	$13,000	$4700	$6000	unreported

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

Weekly benefit amount – example 2

Employee's average weekly wage: $1,000
State average weekly wage: $1,255

- Since $1,000 is more than one-half of $1,255, the employee's benefit amount is the SUM of:
  - 90% of one-half of the state average weekly wage ($564.75); AND
  - 50% of the difference between the employee's average weekly wage and one-half of the state average weekly wage (($1,000-($1,255/2))/2 = $186.25)

$564.75 + $186.25 = $751

Duration of leave in a claim year

- Family Leave = 12 x typical workweek hours

- Medical Leave = 12 x typical workweek hours

- Combination = 16 x typical workweek hours

- w/ Pregnancy Disability = add 2 weeks of medical leave

RCW 50A.15.065, WAC 192-500-070, RCW 50A.05.010(9) & (14)

Supplemental benefits

- Employer can choose to supplement the PFML benefit.

- Employer can offer accrued leave or other means of funds to supplement.
  - Supplemental benefits are not counted as a wage when remitting premiums

- Employee can choose to accept the supplemental benefit or not.

RCW 50A.15.060, Proposed WAC 192-500-180, Proposed WAC 192-620-030
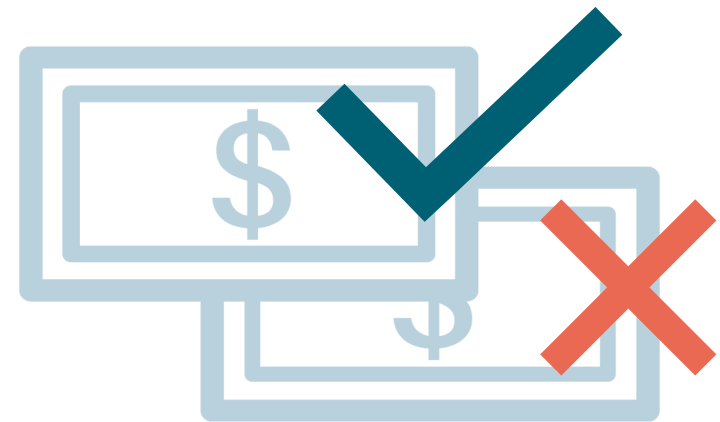
File weekly claims

- File online or over the phone
- File up to 4 weekly claims at a time
- Minimum claim duration = 8 hours/week
- Every leave except for birth or placement requires a waiting period to be claimed

RCW 50A.15.020(1), RCW 50A.15.050, WAC 192-500-110, WAC 192-500-160, Chapter 192-620 WAC

Job protection

Generally, in order to qualify for employment protection provided under RCW 50A.35.010, 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.

RCW 50A.35.030

Questions?

Contact us

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