

Washington Paid Family and Medical Leave (PFML)

Under Washington's new Paid Family and Medical Leave (PFML) law, eligible employees will be entitled to paid leave up to 12 weeks for their own serious health condition (medical leave) or for family care (family leave), up to 16 weeks combined family and medical leave, and up to 2 additional weeks for certain pregnancy complications.

January 1, 2020. Eligible employees are entitled to the following leave:

- **Family Leave:** An employee can take up to 12 weeks of paid family leave, which includes caring for a newborn or newly-adopted child or a family member with a serious health condition, which includes a child, spouse, domestic partner, parent, parent-in-law, sibling, grandparent, or grandchild. Employees can also take time to be with a family member injured in military service, or to deal with exigencies of military deployment.
- **Medical Leave:** An employee can take up to 12 weeks of paid medical leave, which can only be used for the employee's own serious health condition, with an additional 2 weeks available for pregnancy complications.
- **Combined Family and Medical Leave:** For combined family and medical leave (for example, medical leave due to birth of a child plus caring for a newborn), the total combined leave an employee can take in a year is 16 weeks, or 18 weeks if the leave includes a qualifying pregnancy-related complication.
- **Waiting Period:** For all leaves except birth or placement of a child, there is a 7-day waiting period before an employee will be eligible for PFML benefits.
- **Leave Benefits:** To receive benefits under the state program, an employee must file a claim with ESD, notify the employer of the request, and meet certain eligibility requirements. If ESD approves the application, ESD pays benefits for the duration of the leave of absence directly to the employee. The amount an employee receives is a percentage of the employee's weekly wages, up to \$1,000 per week. Employees will typically pay 63 percent of the premium, with employers contributing 37 percent. Paid Sick Leave and Paid Family and Medical Leave can not be used at the same time.
- **Leave is Job-Protected:** Family or medical leave under the program is protected, meaning an employee must be returned to the same or comparable position at the end of the leave period, if the employer has at least 50 employees and the employee has worked for the employer for at least 12 months and at least 1,250 hours in the preceding year. Regardless, employers should be mindful of additional legal protections, such as reinstatement requirements under state and federal laws, before making any decisions regarding employment separation.
- **Eligibility:** An employee who worked at least 820 hours in Washington in four of the past five quarters, will be covered. The hours worked *do not* need to be for the same employer for eligibility purposes.