Washington
Paid Family & Medical Leave

Employment Security Department
WASHINGTON STATE
The Path to Paid Family & Medical Leave

2007
First Paid Family and Medical Leave bill passes the Legislature but does not include a funding mechanism.

2015
Governor Inslee receives a federal grant to begin designing Paid Family and Medical Leave program.

2017
Paid Family and Medical Leave bill (Title 50A RCW) passes the Legislature with a funding mechanism in place.

2018
Rapid program implementation; voluntary plan applications become available in late summer.

2019
Eligible employees and employers begin paying premiums on January 1.

2020
Employees can begin filing for benefits on January 1.
Why Paid Family and Medical Leave

- An essential benefit that gives every Washingtonian support when they need it most.
- Strengthens companies of every size by making it possible to give every employee a way to be there for care.
- Share the costs associated with leave among employers and workers.
Rollout Timeline

2019

Premium Collection
Reporting Hours & Wages

2020

Benefits Available
Implementing in Phases

MILESTONE 1: Voluntary Plans

MILESTONE 2: Premiums
Jan. 1, 2019
Premiums begin to be assessed – opt-in available

April 30, 2019
Q1 premium submission

July 2019
Phase 4 rules in effect:
- Continuation of Benefits
- Fraud

Nov. 2018
Phase 2 rules in effect:
- Employer responsibilities,
- small business assistance,
- penalties

April 2019
Phase 3 rules in effect:
- Benefit applications
- Benefit eligibility

Late 2019
Phase 5 rules in effect:
- Job Protection
- Benefit Overpayments
- Miscellaneous

Late 2019
Phase 6 rules in effect:
- Appeals

MILESTONE 3: Benefits
Jan. 1, 2020
Benefits claims may begin to be filed

This timeline is an approximate timeframe for the implementation of the Paid Family and Medical Leave.
Who Does This Apply To?

Workers & their employers in Washington
Self Employed

► Can elect to participate
  ● Sole proprietor, independent contractor, partner, or joint venture

► Opt-in for 3 years initially, 1 year after initial period
  ● Must work for 820 hours to qualify for benefits

► Must pay employee portion of premium
  ● Must report wages and hours worked if you opt-in
Collective Bargaining Agreements

“Nothing in this chapter requires any party to a collective bargaining agreement in existence on October 19, 2017, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this chapter unless and until the existing agreement is reopened or renegotiated by the parties or expires.”
Qualifying Events

Family Leave
- Caring for family members
- Birth or placement of a child
- Certain military-related events

Medical Leave
- Your own medical condition
Eligible for Care in Family Leave?

Eligible

- Child (step)
- Grandchild
- Spouse/Domestic Partner
- Sibling (step)
- Parent (step, in-law)
  - Loco Parentis
  - Legal Guardian
  - De Facto Parent
- Grandparent (in-law)

Not Eligible

- Godparents
- Aunts or Uncles
- Cousins
- Distant relatives
- Roommates
- Neighbors
- Coworkers
- Live-in non-family members
- Pets

This is not an exhaustive list, and you should consult ESD for specific or special circumstances.
Benefits

Weekly wage replacement
Proportion of weekly wages from $100 to $1,000

Typical leave of up to 12 weeks,
18 weeks in exceptional circumstances.
Eligibility

820 Hours
worked during the qualifying period.
Portable across employers.

20 Hours/week -> 41 Weeks
40 Hours/week -> 20.5 Weeks

Qualifying period is the first four of the last five completed calendar quarters from the leave date.
**Leave Lifecycle**

**Qualification**
- Worked 820 hours

**Receive Benefits**
- Claim approved & benefit extended
- Up to 12 weeks as needed with partial wage replacement
- Up to 18 weeks in exceptional circumstances
- Max weekly benefit of $1,000

**Eligibility**
- Experiences a covered reason for leave

**START**
- Planned Leave
- Unplanned Leave

**File Claim**
Paid Sick Leave and FMLA

► Paid Sick Leave and Paid Family and Medical Leave can not be used at the same time.

► In most cases Paid Family and Medical Leave runs concurrently with FMLA.
Benefit Questions

Up Next:
Premium Collection & Remitting
$50,000/year wage ⇒ Employee: $126.67 • Employer: $73.33

Small businesses with fewer than 50 employees don’t pay employer premium. Still required to remit employee portion of premium and all reporting requirements
Premium Calculation

1. Calculate Premium
   ►Total Premium = Gross Wages * .004

2. Calculate Employer & Employee Portion
   ►Employer Portion = Total Premium * .3667
   ►Employee Portion\(^1\) = Total Premium * .6333

\(^1\)Fewer than 50 employees: Employer not required to pay employer portion.

Calculations for state plan only. Voluntary Plan employers will use different method.
Calculating Business Size

Quarter 1 20 employees  
Quarter 2 40 employees  
Quarter 3 40 employees  
Quarter 4 140 employees

Average: 60 employees

Calculated September 30 each year.

- Headcount, not FTE or other counting method
- Based on required quarterly reporting
- Once counted, set for year
Small business assistance

$3,000
Grants if you hire a temporary employee to replace an employee on leave for more than seven days.

Up to $1,000
Grants for significant additional wage-connected costs.

Who is eligible?
- Employers with between 50-150 employees
- Employers with between 1-49 employees who elect to pay the employer share of premiums
Reporting

▷ Rules submitted to Office of the Code Reviser 11/2
  ● Set to be final in December, unlikely to change

▷ Benefit is portable between employers
  ● All Washington workers with 820 hours are eligible.

▷ Penalties for missing or misreporting
  ● Reporting starts in 2019
Reporting Fields

In General
► UBI
► Business Name
► Quarter reporting for
► Total premiums collected
► Who prepared the report

Each Employee
► SSN/ITIN
► Last Name
► First Name
► Middle Initial
► Hours worked in quarter
► Wages paid in quarter
Reporting: Anticipated Process in 2019

► First report April 2019
  ► Report wages and hours worked

► Department then calculates premium bill
  ► Based on employer reporting

► Submit payment to department
  ► Separate from UI payment
## Reporting/Remitting Calendar

<table>
<thead>
<tr>
<th>Reporting Quarter</th>
<th>Report/Remit By</th>
</tr>
</thead>
<tbody>
<tr>
<td>January, February, March</td>
<td>April 30(^{th})</td>
</tr>
<tr>
<td>April, May, June</td>
<td>July 31(^{st})</td>
</tr>
<tr>
<td>July, August, September</td>
<td>September 30(^{th})</td>
</tr>
<tr>
<td>October, November, December</td>
<td>January 31(^{st})</td>
</tr>
</tbody>
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Premiums & Remitting Questions

Up Next:
Voluntary Plans & Employer Toolkit
Voluntary Plans

- Employer-operated paid family and medical leave program
  - Like your existing plan? Turn it into a Voluntary Plan.

- Must apply to all employees
  - You can choose Family, Medical, or both for voluntary plan.

- Benefits must be equal or better than state plan
  - Duration of leave, premium amount, weekly benefit, and more.

- Download guide at paidleave.wa.gov/voluntary-plans
EMPLOYER TOOLKIT CONTENTS:

► About This Toolkit
► About the Program
  ► Employer Responsibilities
  ► Premiums
  ► Reporting
  ► About the Benefit
► Readiness Checklist
► Sample Employee Communications
  ► Employee Handbook Materials
  ► Sample text for a blog, newsletter or email
  ► Sample paystub insert/attachment
► Document Change Log
More To Come

Reporting, application, and benefit tools being built now.

Rulemaking is ongoing. Benefits phase open now.

Customer Care Team taking now about Voluntary Plans. Later open to public.
Learn More

Employer Webinar Series
Paidleave.wa.gov/events

Employer Toolkit
Paidleave.wa.gov/employers
Getting ready for 2019

1. Prepare to withhold premiums.
2. Prepare to report wages and hours worked.
3. Choose State Plan or Voluntary Plan.
General Questions

Up Next:
Contact Information
Continue the Conversation

Give us Feedback: SURVEY LINK

Email us: paidleave@esd.wa.gov

Call us: 833-717-2273

Our Website: paidleave.wa.gov

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