



Washington Paid Family and Medical Leave (WA PFML)

Updated January 2021



Employer Eligibility

- All public and private employers with one or more employees in Washington State are subject to this law.

Does not cover: Federal employers, federally recognized tribes and self-employed individuals are exempt from the program. Self-employed individuals and federally recognized tribes may choose to opt-in to the program.

Employee Eligibility

- Employees must have worked 820 hours in the state of Washington during the qualifying period.

Qualifying period is the first four of the last five calendar quarters. If eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

Eligibility is transferrable between Washington employers.

Benefit Duration

Covered employees who work in Washington are allowed the following in a 12-month period:

- Up to 12 weeks of family leave for bonding, care of a family member, military exigency
- Up to 12 weeks of medical leave for employee's own serious health condition
- Up to 16 weeks of combined medical and family leave per benefit year
- An additional two weeks of paid leave for employees incapacitated by a serious health condition during pregnancy

Reasons for leave

Family leave

- Bonding (birth, adoption, or foster-care placement)
- Qualifying military exigency as defined by the federal FLMA
- Care for a family member with a serious health condition

Medical leave

- Employees own serious health condition

The definition of a serious health condition

aligns with that used under the federal FMLA. Namely, a serious health condition is an illness, injury, impairment or physical or mental condition involving inpatient care in a hospital, hospice or residential medical facility or continuing treatment by a health care provider.

Premiums

- All covered employers should have begun taking payroll deductions on January 1, 2019. The payroll deductions are to be remitted to the Washington Employment Security Department (ESD) by the last day of the month following the close of each calendar quarter.
- WA PFML premiums may be shared between employer and employee. Premiums are 0.4% of gross wages paid up to the Social Security maximum. Employers may withhold approximately 63% of the premium for employee wages.

Benefit Amounts

- Are paid at 90% of the employee's average weekly wages for wages up to 50% of the state's average weekly wage (SAWW)
- Any portion of the employee's average weekly wages that exceeds 50% of the SAWW will be paid at 50% subject to a weekly benefit that is tied to the SAWW
- The maximum weekly benefit amount in 2021 is \$1,206; this amount is adjusted each September 1 to take effect the following January 1
- The minimum benefit will be \$100 or the employee's average weekly wage if it is less than \$100

WA PFML

Family Leave

12

WEEKS



For bonding, care of a family member, and military exigency

Medical Leave

12

WEEKS



For employee's own serious health condition

Up to a combined max

16

WEEKS



Family Leave

+2

WEEKS



An additional two weeks of paid leave for employees incapacitated by a serious health condition during pregnancy

\$1,206

Max benefit

continued

Intermittent/reduced schedule leave

- Is available for care of a family member and for the employees' own serious health condition when medically necessary
- Is available for bonding upon mutual agreement of the employee and employer
- Is available for qualifying military exigency

Covered family members

- spouse or domestic partner
- child
- parent or parent of the employee or of the employee's spouse or domestic partner
- grandchild
- grandparent
- sibling
- son-in-law or daughter-in-law
- a person who stood in loco parentis to the employee when the employee was a minor child
- a child to whom the employee stands in *loco parentis*

Waiting period

- There is an initial seven consecutive calendar day waiting period before benefits are paid
- The waiting period begins on the Sunday of the first week an eligible employee begins taking leave under the WA PFML law
- During the waiting period, employees may receive paid time off for medical leave or family leave
- The waiting period does not apply for family leave taken for bonding after the child's birth or placement or for leave taken for a qualifying military exigency
- There is only one waiting period per claim year

Voluntary plan exemption

Employers may seek approval to meet their obligations of the WA PFML law through a voluntary plan. If approved, the employer will not be required to submit premium payments to the ESD and the voluntary plan will take effect beginning on the first of the quarter following approval.

To meet the employer's obligations, a voluntary plan must:

- Allow the employee to take at least the same duration of leave from work as the state plan;
- Pay at least equivalent benefits as the state plan;
- Not cost an employee more than they would pay through state plan contributions;
- Offer leave for at least the same reasons as the state plan; and
- Provide employees with the same length of job-protected leave which would have been provided in the state plan

To be eligible for benefits under an employer's voluntary plan, an employee must have been:

- employed for at least 820 hours during the qualifying period and in employment with that employer for at 340 hours; or
- covered by an approved voluntary plan through their previous employer

A two hundred fifty dollar fee will be required for every new application or no statutorily required amendment filed by an employer seeking approval for a voluntary plan.

**Visit us at [sunlife.com/pfml](https://www.sunlife.com/pfml) for resources and education about PFML.
This is your site for PFML, visit it frequently for updates.**

Group insurance policies are underwritten by Sun Life Assurance Company of Canada (Wellesley Hills, MA). Product offerings may not be available in all states and may vary depending on state laws and regulations.

The information in this document is based on our knowledge of the current WA PFML law and regulations. If the regulations are revised or if the law itself is amended, we will update this document. This document is not intended to be and should not be construed as legal advice. Employers are encouraged to consult employment law counsel for legal advice.

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