Frequently Asked Questions – Washington State’s new Paid Family and Medical Leave (PFML)

1. What is the difference between FMLA and PFML?
The federal Family & Medical Leave Act (FMLA) is an unpaid leave entitlement that provides job and health insurance protection when eligible employees take a leave of absence for a qualifying reason.

The Washington State Paid Family & Medical Leave (PFML) program is a new Washington State insurance leave program effective on January 1, 2020 and provides partial wage replacement in the form of a weekly benefit paid by the Employment Security Department (ESD).

The University determines when to designate a leave as FMLA covered. Employees choose whether and when to file a PFML claim. PFML does not replace FMLA. In many cases PFML and FMLA will run at the same time. Employers cannot interfere with, restrain or deny an employee’s use of PFML.

<table>
<thead>
<tr>
<th>PFML (effective 1/1/20)</th>
<th>FMLA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Coverage by location</strong></td>
<td>Work performed in State of Washington.</td>
</tr>
<tr>
<td><strong>Eligibility</strong></td>
<td>Must have worked 820 hours in the state of WA in the qualifying period.</td>
</tr>
<tr>
<td><strong>Pay</strong></td>
<td>Up to 90 percent of your average weekly wages capped at $1,000 per week.</td>
</tr>
</tbody>
</table>
| **Covered circumstances** | -Caring for your own or family member’s serious health condition or injury  
-Birth of a child and to bond with newborn child within one year of birth, adoption or foster placement  
-Certain events for military families | -Caring for your own or family member’s serious health condition or injury  
-Birth of a child and to bond with newborn child within one year of birth, adoption or foster placement  
-Qualifying military exigency |
| **Qualifying Family Members** | -Spouse or registered domestic partner  
-Children (biological, adopted, foster, stepchildren, son-in-law, daughter-in-law) | -Spouse or registered domestic partner  
-Children (biological, adopted, foster, stepchildren, in loco parentis)  
-Parents (including in loco parentis) |
<table>
<thead>
<tr>
<th><strong>Parents and legal guardians (or spouse’s parents)</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grandchildren</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Grandparents (or spouse’s grandparents)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Siblings</strong></td>
<td></td>
</tr>
</tbody>
</table>

**How to apply**

- Apply for paid benefits online or by mail with the Employment Security Department (ESD).
  
  EWU UBI # is: 321000780.

**Follow established EWU processes to request a leave of absence and record paid or unpaid time off. EWU Human Resources will designate the FMLA time period.**

**Employee notice to EWU**

- Provide written notice at least 30 days before you plan to take PFML leave (may or may not be same date you first take leave from EWU). Provide notice as soon as you are able to if your leave is not planned.

  **Provide notice at least 30 days before you plan to take leave for a circumstance covered by FMLA. Provide notice as soon as you are able if your leave is not planned.**

**Length of leave of absence**

- 12 weeks (16 weeks if you have both family and medical events in a year) or up to 18 weeks if a serious health condition in pregnancy results in incapacity.

  **Up to 12 weeks a year, measured looking backward from first day of FMLA leave.**

**Increment of leave**

- Minimum of 8 consecutive hours.

  **Minimum of 30 minutes.**

**Waiting Period?**

- Seven (7) day waiting period (unless you welcomed a new child into your family) before you can begin receiving your benefit.

  **Must apply for FMLA after an absence of more than three (3) consecutive full calendar days.**

**Job protection**

- Must have worked 12 months and 1,250 hours for EWU* or another state agency for at least 1 year and 1,250 hours during the last 12 months.

  **Must have worked 12 months and 1,250 hours for the State of WA (incl. EWU) prior to start of FMLA leave.**

**Benefits Coverage**

- Yes, if the employee has worked for EWU or another state agency for at least 1 year and 1,250 hours during the last 12 months. Employee pays their portion of benefit premium.

  **Benefits must be continued under FMLA. Employee pays their portion of benefit premium.**

---

* Rules regarding impact on state employment have not yet been finalized.

2. **How much money will I get from PFML if I file a claim?**

ESD will determine how much you will receive. The amounts are issued weekly and are based on a percentage of your typical weekly earnings with a maximum of $1,000 a week. There is a benefit calculator on the ESD website at: [https://paidleave.wa.gov/estimate-your-weekly-pay/](https://paidleave.wa.gov/estimate-your-weekly-pay/)

3. **Will the money I receive from ESD be considered income for tax reporting?**

ESD is waiting for a definitive response from the IRS on this.

4. **Can I submit a request retroactively for a leave of absence I have already taken?**

PFML leave requests can be filed with ESD retroactively for “good cause” as outlined in WAC 192-610-040. Generally speaking, employees should give notice at least 30 days in advance and file PFML leave of absence requests in advance of the leave.
5. If I gave birth in 2019 may I take PFML?
Yes. You have 12 months from date of your child’s birth, adoption or placement to take your paid leave. For ex: If baby was born 6/1/2019 an employee could qualify for paid leave until 5/31/2020.

6. Does FMLA run concurrently with PFML?
Generally, if the employee qualifies for FMLA for a condition that also qualifies for PFML then PFML and FMLA will run at the same time.

7. If my circumstances change and I need to be on leave more than I thought, whom do I contact?
As always, first follow the established EWU leave request or extension processes. Next, contact ESD to file (or reopen) a weekly claim for PFML benefits.

8. I am a cyclic employee and I have a qualifying condition. Can I request PFML?
Yes, you may file a claim to receive PFML benefits in periods when you are not working at EWU and/or have been terminated. ESD will make the final determination regarding your PFML benefits.

9. My work location is outside of Washington. Am I eligible for PFML?
No. Only employees whose work is performed in the state of Washington participate in the program.

10. Do I receive paid holidays during a PFML leave of absence?
The University’s holiday pay rules apply during a PFML leave of absence. If you take PFML as unpaid time off from EWU (you choose not to use supplemental benefits), the holiday will not be paid. In order to be paid for a holiday, you must either work or use paid time off before the holiday as described by the rules of your employment program.

11. Do I need to submit medical documentation to EWU to take a medical leave if I have already submitted medical documentation to ESD in order to receive PFML benefits?
Yes. EWU’s procedures for submitting medical documentation in connection with FMLA, disability leaves of absence and other medical leaves will not change. **ESD and the EWU will not share medical documentation.** ESD may accept medical documentation you have already provided to EWU to support your PFML claim.

12. Can I receive workers compensation and PFML benefits at the same time?
No. For each week you are eligible to receive workers compensation benefits, you are disqualified from receiving PFML benefits.

13. Can I be on Long Term Disability (LTD) and PFML at the same time?
Any PFML benefit that you receive may serve as an offset to LTD benefits. Employees are urged to contact Standard Insurance for more information.