**WASHINGTON STATE PFML**

**FREQUENTLY ASKED QUESTIONS**

Washington State enacted the Paid Family and Medical Leave (PFML) on January 1, 2020. Washington now has one of the most comprehensive paid leave benefit programs in the nation! Because this is a new program answers are based on what we know today. However, specific rules and information may continue to changed and/or be updated.

1. **Whom do I contact about PMFL?**

### The Employment Security Department (ESD) will administer all aspects of this program. Employees will still be required to provide at least 30 days’ notice to their employer if they plan to take PFML leave. When the need for leave is not foreseeable, employees must provide written notice to the employer as soon as is practicable under the facts and circumstances of the particular situation. The employee’s notice must contain at least the anticipated timing and duration of the leave. If an employee could have given at least 30 days’ notice and chose not to do so, ESD may temporarily deny or delay benefits.

### Email: [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) Phone: 833-717-2273 Web: [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

### What forms am I required to give to EWU Human Resources?

### Employees will be asked to complete the EWU Leave of Absence Request: [EWU Leave Request Form](https://in.ewu.edu/hr/wp-content/uploads/sites/40/2020/04/FMLA-Request-Form-7.30.2019.pdf) . This is so EWU can determine and notify employees of *all* eligible protections and laws available.

1. **COVID-19: Can I request PFML for COVID-19 concerns?**

Testing positive for COVID-19 may meet the definition of a qualifying condition under the PFM law. Absences for self-isolation without a diagnosis do not meet the definition of a qualifying condition. For more information on when PFML is available for COVID related reasons please visit <https://paidleave.wa.gov/coronavirus/>

1. **How long can an employee be absent due to PFML?**

PFML absences can be 12-18 weeks, depending on the qualifying condition.

1. **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 except PFML is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

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

ESD will determine how much you will receive. PFML benefits do not provide 100% wage replacement. Employee benefits will be up to 90% of their weekly wage with a maximum of $1206.00/week, depending on income level. The benefit is structured so that employees with lower incomes receive a higher percentage of their wages. There is a benefit calculator on the ESD website at: <https://paidleave.wa.gov/estimate-your-weekly-pay/>

1. **What are Supplemental Benefit Payments?**

Starting August 1, 2020 EWU will allow employees the option of using their approved paid time off during the same time they are receiving the PFML benefit. This is called a “Supplemental Benefit” and isn’t reported to ESD as wages paid. Supplemental benefits include: sick time, vacation time, holiday, personal holiday, personal leave day (if applicable) and compensatory time off.

Employees are not required to take accrued time off before, in place of, or at the same time as PFML benefits. Employees decide whether or not to use supplemental benefits while on PFML.

*Supplemental Benefits Example:*

When an employee uses 40 hours of their accrued EWU sick time during an approved PFML leave, as long as the sick time is designated as a supplemental benefit (via EWU timesheet earn code) and also not reported to ESD, the employee receives their full weekly pay from EWU and the full PFML benefit amount from ESD.

EWU does not have access to the state ESD database, therefore EWU requires that employees provide a copy of their PFML approval before using supplemental benefits. This can be done by either taking a screenshot of the approval and emailing it to H.R. or sending HR the PFML approval letter.

1. **What information will I be asked to provide when I submit my weekly claim to ESD?**

* Did you or will you receive worker’s comp or unemployment insurance for the time period for which you’re requesting leave?
* Hours worked during this period.
* Hours you were paid (or will be) paid for time off from your employer that is not considered a supplemental benefit payment during this period?
* Have you missed at least 8 consecutive hours of work during this week?
* Have you experienced a change that could impact the duration of your leave?

1. **Is there a waiting period before I can receive any money from the Employment Security Department?**

Yes, there is a seven consecutive calendar day waiting period for family and medical leave but no waiting period for a birth or placement of a child.

1. **If my circumstances change and I need to be on leave for longer 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.

1. **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.

1. **My work location is outside of Washington. Am I eligible for PFML?**

Generally, work performed outside of the state of Washington is not eligible for PFML, but please contact

Human Resources for specific questions.

1. **Do I receive paid holidays during a PFML leave of absence?**

The University’s holiday pay rules apply during a PFML leave of absence. Generally, employees must be in paid status on their regularly scheduled work day prior to holiday. If you have specific questions about how your unpaid leave will impact your holiday pay, please contact Human Resources.

1. **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 do not share medical documentation*. ESD may accept medical documentation you have already provided to EWU to support your PFML claim.

1. **Can I receive workers compensation and PFML benefits at the same time?**

No, per RCW50A.15.100: “In any week in which an employee is eligible to receive benefits under Title [**50**](http://app.leg.wa.gov/RCW/default.aspx?cite=50) or [**51**](http://app.leg.wa.gov/RCW/default.aspx?cite=51) RCW, or other applicable federal or state unemployment compensation, industrial insurance, or disability insurance laws, the employee is disqualified from receiving family or medical leave benefits under this title.”

1. **Can I submit a request to payroll for supplemental leave retroactively?**

No.

1. **Am I required to apply for PFML?**

No. There is no requirement that an employee apply for PFML.

1. **Does PFML provide job protection?**

Employees are eligible for job protection under PFML if the employee has worked for EWU for at least 12 months and for at least 1,250 hours during the 12 months immediately preceding the date on which leave will begin.

1. **What is the impact of PFML on my EWU benefits?**

Employees that are approved for FMLA concurrently or that have at least one day of FMLA and PFML overlapping will continue to maintain benefit protection. EWU will continue to pay the employee portion and employees are responsible for payment of their portion of their health insurance premiums.

1. **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 topic.

1. **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.

1. **Do employees need to provide a medical release prior to return to work?**

If employees are out due to their own serious health condition, they are required to provide Human Resources a medical release from their health care provider prior to return to work.

**How can I learn more?**

You can find more information at the Employment Security Website (ESD) [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

You can reach ESD by phone at (833) 717-2273, Monday through Friday from 8:30 a.m. to 4:30 p.m. (Closed holidays)

You can also send your questions by email to:  [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov).

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