

SIDE by SIDE COMPARISON

FMLA vs. PFML

Washington State’s Paid Family and Medical Leave (PFML) and the Family Medical Leave Act (FMLA)

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).

Both leaves are intended to allow employees to balance their work and family life by taking leave for certain qualifying situations.

The University determines when to designate a leave as FMLA covered. Employees choose whether and when to apply for PFML. 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.

	PFML (effective 1/1/20)	FMLA
Who Manages the Leave?	Washington State Employment Security Department (ESD).	Federal law but EWU Human Resources manages.
Eligibility	Must have worked 820 hours <u>in</u> the state of WA in the qualifying period.	Must have worked 12 months and 1250 hours <u>for</u> the State of WA (incl. EWU) prior to start of FMLA leave.
Pay	Up to 90 percent of your average weekly wages capped at \$1,327.00 (2022) per week. http://www.paidleave.wa.gov/estimate-your-weekly-pay	Unpaid but EWU employees may use any combination of their accrued paid leave.

<p>Covered Circumstances</p>	<ul style="list-style-type: none"> ➤ 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 ➤ Bereavement leave of seven (7) calendar days immediately following death of a newborn or newly adopted adopted/fostered child 	<ul style="list-style-type: none"> ➤ 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
<p>Qualifying Family Members</p>	<ul style="list-style-type: none"> ➤ Spouse or registered domestic partner ➤ Children (biological, adopted, foster, stepchild, legal guardian, de factor or loco parentis, son-in-law, daughter-in law) ➤ Parents and legal guardians (or spouse’s parents) ➤ Grandchildren ➤ Grandparents (or spouse’s grandparents) ➤ Siblings ➤ Caring for someone who has an expectation to rely on you for care - whether you live together or not 	<ul style="list-style-type: none"> ➤ Spouse or registered domestic partner ➤ Children (biological, adopted, foster, stepchildren, in loco parentis) ➤ Parents (including in loco parentis)



How to Apply	-Apply for paid benefits online or by mail with the Employment Security Department (ESD). www.Paidleave.wa.gov . 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 to manager with a copy to Human Resources 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. An example of a written notice would be: a letter, email or text message.	Provide notice to manager 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 forward from first day of FMLA leave.
Increment of leave	Minimum of eight (8) consecutive hours.	Minimum of 15 minutes.
Use of Accrued Paid Time Off	Starting 8/1/20 EWU employees may use their EWU accrued paid time and also receive their full PFML benefit. This is called Supplemental Benefits under PFML.	FMLA is unpaid but employees may use their EWU accrued paid time in any combination they prefer.
Waiting Period?	Generally, seven (7) day waiting period before PFML benefit starts. Exceptions: baby bonding or medical leave after childbirth, bereavement leave after death of newborn/newly adopted/fostered or military exigency.	Generally, FMLA starts 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. <i>Note:</i> FMLA and PFML <u>must</u> overlap by one day in order for benefits to continue while on PFML.	Benefits must be continued under FMLA. Employee pays their portion of benefit premium.

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