



Benefit Guide

Washington's Paid Family & Medical Leave Program

Here for you.



Employment Security Department
WASHINGTON STATE

July 2020

www.paidleave.wa.gov

Contents

| | |
|---|----|
| About the program | 3 |
| About this guide..... | 3 |
| Update schedule | 3 |
| Stay informed | 3 |
| Qualifying events | 4 |
| Qualifying family members..... | 4 |
| What you need to know..... | 4 |
| Payments..... | 5 |
| Employer involvement..... | 6 |
| Interaction with other types of leave..... | 7 |
| Events in 2019 | 8 |
| Benefit decisions, appeals, and changes to your claim | 8 |
| Complaints..... | 9 |
| Fraud | 9 |
| Hardship | 9 |
| How to apply | 10 |
| GET READY TO APPLY | 10 |
| APPLY..... | 11 |
| FILE A WEEKLY CLAIM..... | 12 |
| More to know about taking leave for a child's birth, placement or adoption..... | 13 |
| More to know about taking family leave and medical leave..... | 14 |
| Definitions..... | 14 |
| Qualifying period | 14 |
| Qualifying event | 14 |
| Serious health condition | 14 |
| Typical workweek hours | 14 |
| Claim year | 15 |
| Supplemental benefit..... | 15 |
| More about how benefits are calculated | 15 |
| Contact the Customer Care Team | 15 |
| Change log | 15 |

About the program

We know that the most important things in life happen outside the workday. People we care about become ill. Families welcome new members. Big moments that require extra attention come along for all of us.

Support in these times means we can be stronger both at home and at work. Paid Family and Medical Leave is an essential benefit that offers Washingtonians paid time off when they need it most.

**It's yours –
you've earned it.**

About this guide

What it is: This guide is intended to help you prepare for and use the new Paid Family and Medical Leave program, as well as understand your rights and responsibilities.

Definitions: There are some terms and phrases in here that might need more explanation, so we included definitions or explanations to key terms at the end of this guide.

More to come: As a new program, we will continue to develop over time. This guide will be updated to reflect the most current information available. Our next anticipated update is below, however dates are subject to change based on program development and rulemaking.

To make sure you have the most recent version of this guide, go to paidleave.wa.gov/benefit-guide, or call our Customer Care Team. The version number and date the guide was last updated can be found on the bottom of each page.

Update schedule

Next update is planned for: August 2020

Stay informed

1. Explore our website (paidleave.wa.gov).
2. Connect with us. Sign up for our listserv (bit.ly/paidleavelist) and follow us on social media (@PaidLeaveWA on Facebook, Twitter and Instagram).

What you need to know

Am I eligible?

Paid Family and Medical Leave is available to almost everyone working in Washington. You are able to receive the benefit when you:

1. Have worked 820 hours (about 16 hours a week) in employment in Washington during the "qualifying period."
2. Experienced a "qualifying event."

Full-time, part-time, temporary and seasonal work counts. The benefit is also portable between jobs, which means all the reportable hours you work in Washington count toward eligibility, even if you work multiple jobs or switch employers.

Are there exemptions?

- Hours worked for the federal government, a federally recognized tribe or in self-employment, including as an independent contractor, do not automatically count for Paid Family and Medical Leave. Tribes and self-employed individuals may opt-in to the program (paidleave.wa.gov/elective-coverage).
- If you work for an employer with an approved voluntary plan you may also not be eligible to use the state plan, but you would be able to use your employer's benefits. Voluntary plans are Paid Family and/or Medical Leave programs that have been approved by Employment Security and are operated by your employer. The benefits must meet or exceed those available under the state plan, but you work the leave out with your employer rather than the Employment Security Department. If you are unsure if you are covered by a voluntary plan, ask your employer.
- If you are covered by a collective bargaining agreement that hasn't expired, been reopened, or renegotiated since Oct. 19, 2017, you may not be eligible yet. Ask your employer or union representative if you are unsure if this applies to you.

How much time do I get?

Within your "claim year" you can take:

- Up to 12 weeks of medical leave to recover from or get treatment for a "serious health condition," or family leave to take care of a qualifying family member who is ill or injured with a "serious health condition" or to bond with a new child or for certain military events.
- Up to 16 weeks of combined medical and family leave if you have events covered by both in the same claim year.
- Up to 18 weeks of combined medical and family leave if you experience a condition in pregnancy that results in incapacity, like being put on bedrest, and then take bonding leave.
- Leave can be taken intermittently, as long as you are on leave for a minimum of eight consecutive hours each week.

Do I have to take all the leave at once?

No. You can take as little as eight consecutive hours per week. For example, you could take two days off per week for chemotherapy treatment, or one day off each week to care for a parent with Alzheimer's. Consecutive hours can cover two shifts. For example, if you need the last four hours of a shift to get a treatment and the first four hours the following shift

Qualifying events

Family leave

- Bonding with a new child coming into your family through birth, adoption or foster placement.
- Caring for a family member with a serious health condition or injury.
- Certain events for military families.

Medical leave (for yourself)

- Recovery or treatment for your own serious health condition or injury, including recovery from childbirth.

Qualifying family members

- Spouse
- Domestic partner
- Children (including step and foster)
- Grandchildren
- Siblings
- Parents (including in-law and in loco parentis)
- Grandparents
- Son-in-law and daughter-in-law

to continue that treatment, that counts as eight consecutive hours. For more information on leave duration, see “Typical Workweek Hours” on page 13.

How do I apply?

The Employment Security Department began accepting applications on Jan. 2, 2020 (benefits are payable from Jan. 1, 2020). You can apply online (paidleave.wa.gov/apply-now) or with a paper application.

When should I apply?

Submit your application after your qualifying event has taken place, for example, after you’ve had surgery. If you know in advance of the qualifying event that you’ll need paid leave, like if you are having a baby or planning for surgery, you can complete most of the application process ahead of time. This includes creating an online account, getting your documentation ready and your medical certification signed, and filling in most of the application. You’ll also need to notify your employer at least 30 days in advance, if you know about the need that far ahead of time.

You will need separate applications for medical leave and family leave events, like if you are taking medical leave to recover from giving birth and then take family leave to bond with your baby. You should apply for medical leave first, then apply for family leave.

Can someone help me apply?

Yes, you may designate an authorized representative to act on your behalf. The Designation of an Authorized Representative form is available by request from the Customer Care Team.

What do I have to do while on leave?

You will file weekly claims with us while on leave. You will need to report any hours you have worked, or paid time off received during each week of leave that is not considered a “supplemental benefit” (see page 13 for more information on supplemental benefits). It is your responsibility to accurately report this information. You may file up to four weekly claims at a time, and this can be done online or over the phone. Visit paidleave.wa.gov/after-you-apply for more information and tips about what to expect after you apply.

Can I backdate my claim?

You can backdate your claim for a “good cause” reason. This means you were prevented from applying for Paid Family and Medical Leave immediately after your event. A “good cause” reason can be the result of a serious health condition, a period of incapacity or because of natural disaster. A medical certification form may provide the information we need to determine if you are eligible to backdate your claim, but it is likely we will ask for additional information as to why you need to backdate your claim. Claims cannot be backdated prior to Jan. 1, 2020 when the law took effect.

Payments

What benefit amount do I receive?

We will determine your weekly benefit amount based on wages reported by your employer(s). The maximum weekly benefit amount is \$1,000 per week and the minimum is \$100 (unless you make less than an average of \$100 per week, then you will receive your full wage). You may receive up to 90 percent of your average weekly wage, depending on your income. A calculator to estimate your benefit payment is available at paidleave.wa.gov/estimate-your-weekly-pay.

How is my benefit amount determined?

Your employer(s) have been reporting how many hours you’ve worked and the wages you earned since Jan. 1, 2019. We use the hours reported to determine if you’ve met the minimum 820 hours for eligibility, and the wages reported to know how much your benefit payments will be. If you have more than one job, we add all the hours reported for you from all your employers that are required to report.

During the online application process, you'll be able to see what your employer(s) reported for you. If you believe your employer(s) did not report all of your wages and hours, you may request a redetermination from the Department once we have made the initial benefit determination. We will ask your employer for more information. If you are applying on paper, follow the instructions that come with your paper application.

See page 14 for more on how benefits are determined.

Will I always receive the same amount?

If nothing changes about your weekly claim, your weekly benefit will not change. However, your benefit payment may vary from week to week if you are not claiming the full week. For example, if you have worked or reported employer paid time off, we will reduce your benefit payment that week. You do not report any supplemental benefits offered by your employer. For more on supplemental benefits, see page 13.

How do I get paid?

If you apply online, you can choose to be paid via direct deposit or a prepaid debit card. If you apply on paper, you can only receive a prepaid debit card at this time. It is your responsibility to keep your banking information current and update this information through your online account. If you have questions about your prepaid card, please review the bank disclosures you received when you applied or contact the bank's customer support team at 888-964-0359.

Employer involvement

What do I tell my employer?

If you know you will be applying for Paid Family and Medical Leave, you must provide written notice to your employer(s) at least 30 days in advance of the date you expect your leave to begin. If the reason you need leave was not foreseeable, notify your employer(s) as soon as possible. You do not have to provide details about why you are taking Paid Family and Medical Leave, but your notice should include the dates you expect to be on leave and the date you gave your employer(s) notice of your leave.

Is there any information I need from my employer before I apply?

If you are receiving paid time off or other paid leave, you should check with your employer whether they consider it to be a "supplemental benefit." You do not need to report supplemental benefits on your weekly claim, but you do need to report employer-paid time off. That's why it's important to check with your employer whether they are treating any employer-paid time off you receive as a supplemental benefit. For more on supplemental benefits, see page 13.

What notifications will my employer(s) receive?

Your current employer(s) will receive two notifications from us. The first is when you initially apply for benefits – your employer will have 18 days to contest your claim after receiving this notice. Examples of why your employer may contest your claim include if they feel you are not qualified to take the benefit or if you did not give them proper notice. It is important to give your employer at least 30 days' written notice when your leave is foreseeable. We will not hold up payment of your benefits during the contest period. This first notice will include:

- Your name
- Last four digits of your Social Security Number
- Your Paid Family and Medical Leave customer ID number
- Dates you expect to be out on leave
- The date you provided your employer notice, or if no notice was given

The second notification will let your employer know if you were approved or denied for benefits. This will include:

- Your name
- Last four digits of your Social Security Number

- Your Paid Family and Medical Leave customer ID number
- Whether you were denied or approved for benefits
- If your claim was approved: your leave start date, and the leave end date (if known)

Is my job protected while I am on leave?

You may be eligible for job protection. If you work for a company that employs more than 50 people in Washington, and you have worked there for at least a year and for at least 1,250 hours in the year immediately preceding leave, your job is likely protected. If you do not have job protection with Paid Family and Medical Leave there may be other local, state or federal laws that offer job protection or restoration for you. You also need to continue to follow the leave notification policies of your employer.

An employer can deny job restoration if:

- They can show that the employee's job would not have existed when the employee returned from leave, or
- The worker is salaried and among the highest paid ten percent of employees within 75 miles of the facility where the employee works.

What happens to my health insurance while I am on leave?

Your employer(s) are required to maintain existing health benefits for an employee receiving paid family or medical leave benefits if they have at least one day of overlap with leave taken under federal FMLA (WAC 192-700-020). Health benefits must continue without a break in coverage until the employee's paid leave ends or the employee returns to work after taking their leave. Nothing prevents your employer from maintaining any of your benefits while you take Paid Family and Medical Leave so please ask your employer if they will continue your health coverage while on leave. If you are responsible for paying some of the health insurance premium, your employer can require that you continue to pay your share.

Interaction with other types of leave

What's the difference between this program and Washington's paid sick leave law?

Paid Family and Medical Leave is not the same as paid sick leave. Paid sick leave is usually paid directly by the employer and is available for minor illnesses and preventative health care, as well as more serious health conditions. Washington law requires your employer to provide you with the ability to accrue at least one hour of paid sick leave for every forty hours you work. It is enforced by the Washington State Department of Labor and Industries. For more information on paid sick leave, visit lni.wa.gov/workers-rights/leave/paid-sick-leave.

How does this work with FMLA?

The use of FMLA does not reduce your allowed Paid Family and Medical Leave benefit, so it is possible to use both types of leave. It is important to note that Paid Family and Medical Leave and FMLA can usually run concurrently too, since many Paid Family and Medical Leave events also qualify for FMLA.

Can I receive private short-term disability insurance payments at the same time as Paid Family and Medical Leave?

Yes.

Can I use paid time, like vacation or sick leave, at the same time as Paid Family and Medical Leave?

You may use paid time off at the same time as Paid Family and Medical Leave but it may affect your benefit payment. Please see the "File a weekly claim" section on page 12 for more information.

Do I have to use other leave, like vacation or sick time, before I use Paid Family and Medical Leave?

No. Your employer cannot require you to use Paid Family and Medical Leave before or after other paid or unpaid time off you might have, like paid sick days or vacation leave. Taking Paid Family and Medical Leave is entirely up to you.

Events in 2019

A new child came into my family in 2019, can I apply?

Yes! You have 12 months from the date of your child's birth, adoption or placement to take your paid leave, even if the event happened in 2019. Here are some examples of how Paid Family and Medical Leave can be used for events that occurred in 2019:

- **Your child was born July 1, 2019.** You qualified for paid family leave from Jan. 1 – June 30, 2020.
- **Your child was adopted on October 25, 2019.** You can apply for benefits and take your full 12 weeks of family leave any time before October 25, 2020.

I had a medical event in 2019. Am I still eligible for benefits?

If your qualifying event happened in 2019, you may be eligible for the program if you still have a medical reason to be on leave. For example, if you had surgery in December 2019 and are still incapacitated, you can apply for benefits in 2020 with a healthcare provider's medical certification.

Paid Family and Medical Leave vs. FMLA

Examples of differences

Paid Family and Medical Leave

- Is a state program just for people working in Washington
- Offers paid leave
- Is available to workers in businesses of all sizes, including small businesses
- Has a broader definition of "family," including siblings and grandparents

FMLA

- A federal program throughout the U.S.
- Offers unpaid leave
- Is only available to workers in businesses of 50 or more employees

Similarities

Job protection under FMLA and Paid Family and Medical Leave is similar. This leave will usually run concurrently when people are eligible for both. See the question about job protection for more.

Benefit decisions, appeals, and changes to your claim

What if I disagree with my decision letter?

If you disagree with your weekly benefit amount or the number of hours you worked, you will need to request a redetermination from the Department. As part of the redetermination process, we may ask you to provide us with proof of hours worked and wages earned. If you still disagree with the redetermination decision, you may file an appeal of the redetermination. There will be instructions on decision letters to inform you of the next steps if you disagree with any decision.

If you disagree with any other decision, there will be instructions in the decision letter to inform you of your next steps.

What if I am overpaid?

If we send you a decision that informs you that you were paid benefits you are not entitled to, you will need to pay them back. We will send an overpayment assessment to you that lists the amount and reason for the overpayment. This amount may be deducted from future benefits, repaid or waived at the discretion of the Employment Security Department. If you disagree with an overpayment assessment, you may file an appeal.

What if I need to cancel my claim?

If a payment has not been issued, you may cancel your claim within 30 days of the date you submitted an application for benefits. You may not cancel a claim if the Department has already issued a payment on the claim. If you have been paid, the Department will cancel your claim only if we made an error in paying you. Contact the Customer Care Team if you wish to cancel your claim.

What if I need to take leave for multiple events in the same claim year?

If you have multiple qualifying events in your claim year, you will fill out an application for each event. You can do the second application online in your Paid Leave account. You may need to provide us with additional information to be approved for another claim, like a medical certification if it is a new serious health condition.

For example, you had a baby on Dec. 22, 2019. You apply for, and take, four weeks of medical leave after Jan. 1, 2020 to continue your recovery. You can then take up to 12 weeks of family leave to bond with your new baby – this is considered your second qualifying event. You will need to fill out a second application for your second qualifying event. Remember, you must notify your employer at least 30 days before you plan to use Paid Family and Medical Leave whenever possible, and you may be required by your employer to report to them the status and intention of your return to work.

Do I need to be employed to take Paid Family and Medical Leave?

No. As long as you have worked enough hours in the qualifying period, you can use Paid Family and Medical Leave. You cannot, however, claim Unemployment Insurance or workers' compensation benefits and Paid Family and Medical Leave at the same time.

Complaints

You may file a complaint with the Department against your employer if you feel they:

- interfered with your ability to apply for or receive paid family or medical leave benefits, or
- discharged you or discriminated against you for applying for or receiving paid family or medical leave benefits.

We will make a decision on whether your employer acted unlawfully. Your employer may be liable for damages, and you may have other rights like job restoration. You can file a complaint with the Department by downloading our complaint forms at paidleave.wa.gov/library or by calling or emailing the Customer Care Team.

You may also contact the Office of the Paid Family and Medical Leave Ombuds. The Ombuds is appointed by the governor and serves as a neutral, independent third-party to help workers and employers in their dealings with the Department. The Office of the Ombuds investigates, reports on and helps settle complaints about service deficiencies and concerns with the Paid Family and Medical Leave program. Learn more at paidleaveombuds.wa.gov or call the Ombuds' office at 844-395-6697.

Fraud

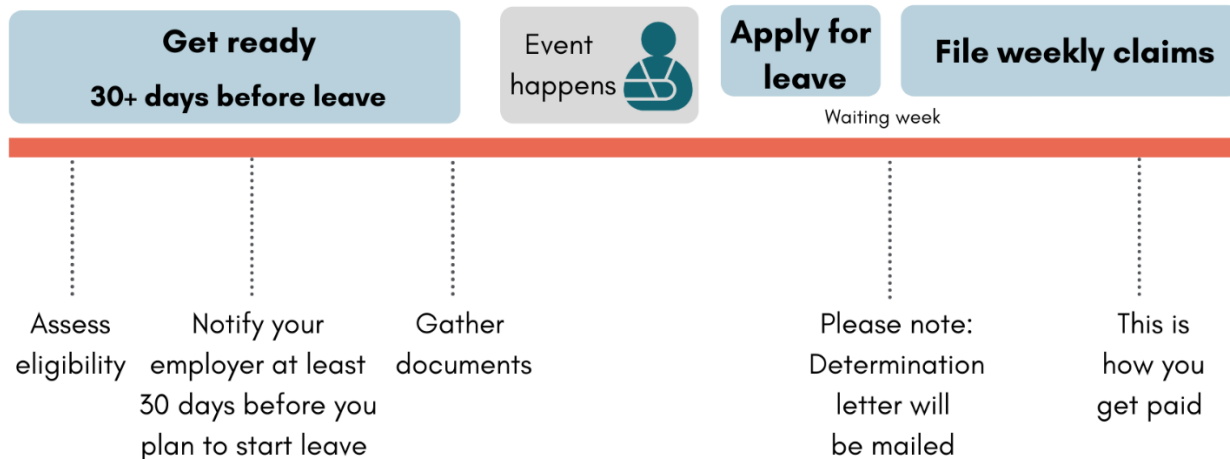
You are disqualified from receiving benefits for any week that you have misrepresented or not disclosed information that affects your claim. This includes false statements, omitting information or failing to disclose facts in an effort to receive benefits from Paid Family and Medical Leave that you would not be entitled to under RCW 50A.15.060. If you are found to have committed fraud, you may be disqualified from receiving benefits for a period of time and have additional penalties on overpayments associated with fraud.

If you suspect fraudulent behavior, you can file a complaint with the Department. Please download our fraud form at paidleave.wa.gov/library.

Hardship

We know waiting while we process your application may cause hardship. We do have a process to request accelerated review of your application if you have been waiting at least four weeks for us to process your application and can demonstrate imminent financial hardship. Please visit paidleave.wa.gov/hardship to see if you qualify for accelerated application review.

How to apply



- If you are applying for family leave to bond with a child, you do not have a waiting week.
- If your leave is unforeseen, for example you get in an accident or you go into early labor, notify your employer as soon as possible.

GET READY TO APPLY

Assess eligibility.

Read the “Am I eligible” section on page 4, or go to our website to take a short quiz that will help you determine if you may be eligible (paidleave.wa.gov/quiz).

Provide written notice to your employer at least 30 days before you plan to start leave. If your leave was not foreseeable, provide written notice as soon as you are able. Notice can be provided in various ways, including text or email. You can also download a template notification at paidleave.wa.gov/get-ready-to-apply. You may also want to retain a copy of the notification you give your employer for your records.

Get your documents ready

- Proof of ID, including a driver’s license, passport or utility and phone bills (a complete list of documents is available at www.paidleave.wa.gov/get-ready-to-apply).
- The documentation or form you’ll need depends on the type of leave you’re applying for.
 - **For medical leave:** Certification of a Serious Health Condition form, FMLA paperwork or other documentation that meets the requirements. Medical certification documents need to be signed by a doctor or qualifying healthcare provider. (It can sometimes take two weeks or more for your doctor’s office to process this paperwork, so be sure to submit it to them as soon as possible.)
 - **For military family leave:** Documentation that shows eligibility for military family leave, like active duty orders.
 - **For medical leave related to pregnancy or childbirth,** use our Certification of Serious Health Condition form, or the US Department of Labor’s FMLA Certification of Health Care Provider for Employee’s Serious Health Condition form.
 - **For family leave to bond with a child who was born into your family,** both parents can use our Certification of Birth form. If you give birth to a child and apply for medical leave before bonding leave, you

Apply for leave after your qualifying event has taken place.

can use the Certification of Serious Health Condition form for both applications if the form reflects your child's actual date of birth (not due date).

- **For family leave to bond with a child who was adopted or placed in your family**, you will need to provide court documents to show foster care, adoption or guardianship placement or other documentation that establishes the child's placement date, like a letter from an assigned social worker or agency.

Note: For medical leave or bonding leave for the birth of a child, you may use other forms or letters given to you by your medical provider so long as it has all the required information and is signed by your healthcare provider.

APPLY

Create account(s)

- Go to www.paidleave.wa.gov. From our website you will be directed to the state's log-in service, SecureAccess Washington. Use an existing SAW login or create a new one. (Not sure if you have a SAW login? Click the "Get Help" button on the SAW homepage to find out.)
- In SAW you'll add Paid Family and Medical Leave to your services by:
 - Selecting "Browse a list of services"
 - In the list of services find "Employment Security Department" and click it
 - Click the "Apply" button next to Paid Family and Medical Leave
- You will then create a Paid Family and Medical Leave account.

Fill in the application(s)

- You'll provide basic information and verify your employment history.
- A paper application is available if you do not have a Social Security Number.
- If you are pregnant and plan to take a combination of medical and family leave, you will fill out two applications. Fill out the first application for medical leave and upload a Certification of a Serious Health Condition form with your application. Then, once you have received a determination on your first application, you can submit an application for family (bonding) leave in your Paid Leave account. You will need to provide a Certification of Birth form or documentation from the hospital showing your child's date of birth with your family leave application.
- If you are only taking bonding leave, fill out your application for family leave.
- Be sure to upload your proof of ID document(s) and Certification of Serious Health Condition or Certification of Birth form, if applicable, to complete the application.
- Please note: Your employer will also be notified by mail when you apply. They will have 18 days to contest your application if they feel you are not eligible for the program.

What is in the application?

- Basic information about yourself (full name, date of birth, address, contact information, Social Security Number. If you do not have a Social Security Number, you may fill out a paper application or call our Customer Care Team for more information).
- Verification of your employment history.
- The date you notified your employer about your leave.
- What type of leave you're taking (family or medical).

Important tip!

Double check your name and your SSN before finalizing your account creation.

Upload documents

- Proof of identification documents
- [Certification of a Serious Health Condition](#) (if applicable)
- [Certification of Birth form](#) (if applicable)
- Documentation for placement (if applicable)
- Military family leave documents (if applicable)

Get your determination

- After you submit your application and you've provided the necessary documents, we will review your application and may contact you if we have questions.
- Once we make a decision, we will mail you a determination letter at the mailing address you gave us.
 - If approved, this letter will provide a maximum weekly benefit amount you may receive and confirm the dates of your approved leave and claim year.

Waiting week

- Your "waiting week" is the first week you are approved to file a weekly claim and you will not be paid for that week (this does not apply to parental bonding leave or military exigency). Claim weeks always start on Sunday and end the following Saturday. In order to qualify as a waiting week, you must claim a minimum of eight consecutive hours. If your qualifying event occurs after Sunday in the first week you need to take leave, the waiting week may be less than a week.
- The waiting week is required by law for all types of leave except parental bonding leave and military exigency. During this time, you may use paid time off from your employer, including paid vacation or sick days, without impact on your Paid Family and Medical Leave benefits. If the first week of your paid family or medical leave happens before you receive your approval letter and are able to begin filing weekly claims, that first week still counts as your waiting week.
 - For example, say your paid family or medical leave start date is July 13, 2020, and you receive your approval letter on July 22, 2020. The first week of your approved leave is your waiting week, so the first week you can claim is the week beginning on Sunday, July 19, 2020.

FILE A WEEKLY CLAIM

- Weekly claims are how you receive your pay. Once your application is approved you can begin filing weekly claims. Claims can also be filed for weeks you were on leave after your qualifying event occurred but before your application was approved. You also may be able to backdate your claim because you were unable to file for Paid Family and Medical Leave right after your event occurred (see page 5 for more on backdating).
- You can file weekly claims online or by calling each week. You may go up to four weeks without filing and receive those payments retroactively.
 - Each week, we will ask you if anything has changed about the length of leave or your qualifying event, and if you worked or received paid time off from your employer during the past week.
 - If you worked or received other benefits, like employer-provided paid time off that is not designated as a supplemental benefit, your payment will be reduced that week.
 - You cannot collect Unemployment Insurance or workers' compensation benefits at the same time as Paid Family and Medical Leave.
 - If you go four weeks without filing, your claim will become inactive and you'll have to take additional steps to restart your claim.
- If you apply online, you can choose to be paid via direct deposit or a prepaid debit card. If you apply on paper, you can only receive a prepaid debit card at this time.
- If you use paid time off at the same time as Paid Family and Medical Leave your benefit payment will be affected. However, your employer may choose to offer additional pay to you while you are using Paid Family and Medical Leave – this is called a "supplemental benefit." Not all paid time off is a supplemental benefit, so you need to check with your employer if this is available to you. It is your employer's choice to offer a supplemental benefit, and your choice to take it if it is available.
- The minimum claim for each week is eight consecutive hours. That's one day for full-time employees but may be more than one day if you work part time. If you do not wish to claim benefits because you are taking leave intermittently, worked or used paid time off, you can file '0' on your weekly claim. This will not subtract hours from your available leave.

- Visit paidleave.wa.gov/after-you-apply for more information and tips on what to expect after you apply.

More to know about taking leave for a child's birth, placement or adoption

All parents are eligible! Moms, dads, non-birth parents and guardians are eligible for paid family leave to bond with a child coming into their home through birth, adoption or foster placement within the first year after birth or placement. Each parent is entitled to their 12 weeks of bonding leave, even if they work for the same employer.

Parents and guardians do not have to take leave at the same time, and leave does not need to be taken all at once. For example: a non-birth parent may want to take four weeks off right after a child is born, and then use the remaining eight weeks after the birth parent returns to work.

Parental leave can be taken anytime in the first year after a child's birth, adoption or placement. Are you a foster or adoptive parent to an older kid? Bonding leave applies to placement or adoption of any children under the age of 18.

If you are giving birth, you will likely fill out two applications. The first application is for medical leave and the second application is for family (bonding) leave. You will be able to fill out the second application in your Paid Leave account after you have received a determination on your first application. You will need to provide proof of birth documentation (such as our [Certification of Birth form](#), a copy of your child's birth certificate or documentation from the hospital showing your child's date of birth) with your family leave application for bonding.

Application process for those giving birth

Remember: Notify your employer at least 30 days before you take leave



Please note: We cannot approve applications if the qualifying event has not occurred. If you apply for family leave to bond with a child and your child has not yet been born, or you apply for medical leave before a scheduled surgery, we will deny your application if we process it prior to the birth, placement or adoption of your child the event. You will receive a denial letter from us that has next steps for getting a redetermination.

More to know about taking family leave and medical leave

Multiple people can provide care for the same qualifying family member. Caregivers do not have to take leave at the same time and more than one person can take leave for the same qualifying family member, as long as they all meet eligibility requirements. Each person will fill out a separate application.

Upload your documents. All applications require proof of ID, but if you're applying for medical or family leave, you will also need to submit documents that certify your need for leave. You can download our certification forms from paidleave.wa.gov/library, fill them out with your healthcare provider and upload the documents to your Paid Leave account. You may also choose to have your healthcare provider submit the documentation or use other forms, such as FMLA paperwork or a birth certificate.

Definitions

Qualifying period

The first four of the last five completed calendar quarters or, if that does not get you to the required 820 hours, the last four completed calendar quarters immediately preceding the application for leave.

Qualifying event

A qualifying event is the thing that happens for which you need to take leave. Not all illnesses, injuries or situations will qualify you to take Paid Family and Medical Leave. The law says, "paid family leave [is] for the birth or placement of a child with the employee, for the care of a family member who has a serious health condition, and for a [qualifying exigency under the federal family and medical leave act](#)," and "paid medical leave [is] for an employee's own serious health condition." There is more information on page 4 about qualifying events.

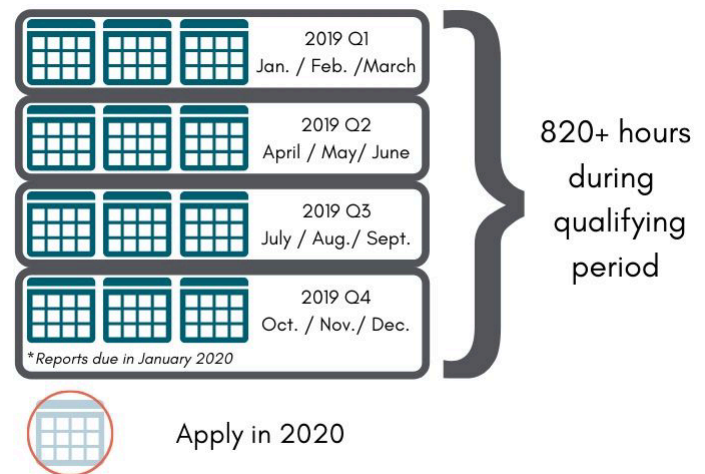
Serious health condition

A definition of a "serious health condition" is provided by law (RCW [50A.05.010](#)), and it is at the discretion of a healthcare provider to make an initial decision about whether your or your family member's condition meets that definition. A serious health condition could include an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; incapacity due to pregnancy or for prenatal care; incapacity for some chronic serious health conditions, and more. Things that would not be included are the common cold, routine dental work, headaches that are not migraines and earaches. More information can be found at paidleave.wa.gov/healthcare-providers.

Typical workweek hours

Your duration of leave is determined based on your "typical workweek hours." This is your average number of hours worked per week since the beginning of the qualifying period. Salaried, full-time employees are always calculated at 40 hours per week. Your typical workweek hours are multiplied by the maximum number of weeks allowable for the event, usually 12 weeks, creating a bank of hours you can draw from while on leave.

Example of a qualifying period



Claim year

The claim year begins on the Sunday of the week you submit your initial application. The claim year expires 52 weeks later. Your claim year will start even if your initial application is denied (note: the claim year does not start if your application was denied because you do not have enough worked hours). If you submit more than one application (such as medical leave and then family leave after giving birth) your claim year does not restart. We have [a quiz on our website](#) to help you figure out if you may be eligible.

Supplemental benefit

Because Paid Family and Medical Leave is partial wage replacement, your employer may choose to provide additional pay to you while on Paid Family and Medical Leave to supplement the benefit you receive. This is a supplemental benefit. This can be provided in any way your employer chooses, including designating certain paid time off as a supplemental benefit. Any supplemental benefit amount can be provided. It is your employer's choice to offer this and your choice to receive it if offered. Paid time off is not automatically a supplemental benefit, so it is important to check with your employer if this is available to you. You do not report supplemental benefits on your weekly claim but paid time off that is not considered a supplemental benefit must be reported.

More about how benefits are calculated

When you apply for benefits, we review the wages your employer(s) reported you earned in the qualifying period. If you have more than one job, your wages are added together. Then we take the two highest wage-earning quarters, add them together, and divide by 26. This is how we determine your average weekly wage. That number is then compared to the state average weekly wage to determine your weekly benefit amount.

Please note: Benefit payments may be taxable. Please consult a tax professional to understand the implications and your obligations.

Contact the Customer Care Team

Website: paidleave.wa.gov

Email: paidleave@esd.wa.gov

Phone: 833-717-CARE (2273)

Change log

January 3, 2020

- Updated information about continuation of healthcare benefits (p 7)

February 3, 2020

- Updated information around January 2020 applications (p 5, 8, 9, 11)
- Added link to paidleave.wa.gov/after-you-apply (p 5, 12)

March 26, 2020

- Added information about our hardship review process (p 9)
- Updated information around applying for both medical and family leave (p 4, 5, 8, 12, 13)

May 12, 2020

- Added information about Certification of Birth form (p 10, 11, 13)

July 16, 2020

- Updated definitions about job protection and health insurance (p 7)
- Added links and information about complaint forms (p 9, 10)



Employment Security Department

WASHINGTON STATE