WAC 192-620-035 When will a weekly benefit amount be prorated? (1) For an employee on paid family or medical leave, a weekly benefit amount is prorated when:

(a) The employee reports hours worked for wages;

(b) The employee reports hours for paid sick leave, paid vacation leave, or other paid time off that is not considered a supplemental benefit payment as defined in WAC 192-500-180; or

(c) The employee files a weekly application for benefits that contains a day or days for which the employee was not approved for paid family or medical leave.

(2) If an employee reports hours under subsection (1)(a) or (b) of this section, proration will be calculated as specified by RCW 50A.15.020(2).

(3) This section does not apply to a week that is claimed to satisfy an employee's waiting period.

(4) If an employee is approved for leave for part of a week under subsection (1)(c) of this section, proration for that week will occur as follows:

(a) The employee's typical workweek hours are multiplied by the number of days approved for leave, then divided by seven. The result is rounded down to the nearest whole hour. This amount is the employee's adjusted typical workweek hours.

(b) Any hours worked or taken as paid time off as reported by the employee are then subtracted from the employee's adjusted typical workweek hours. This amount will be the number of hours of paid family or medical leave claimed for that week.

(c) The number of hours claimed for that week are then divided by the employee's typical workweek hours to produce a percentage.

(d) The resulting percentage is then multiplied by the employee's normal weekly benefit amount. The resulting amount, rounded down to the nearest whole dollar, is the employee's benefit payment for that week.

Example 1: An employee has already served a waiting period in the claim year and files a claim for a week of paid medical leave. The employee typically works ((forty)) 40 hours a week at eight hours per day. In the week for which the employee is claiming, the employee claimed one day of paid medical leave and worked the other four days. This employee's weekly benefit is usually ((eight hundred dollars)) $800. The weekly benefit would then be prorated by the hours on paid medical leave (eight hours) relative to the typical workweek hours (((forty)) 40 hours). Eight hours is ((twenty)) 20 percent of ((forty)) 40 hours. The employee's weekly benefit would be prorated to ((twenty)) 20 percent for a total of ((one hundred sixty dollars)) $160.

Example 2: An employee with typical workweek hours of ((forty)) 40 and a weekly benefit amount of ((one thousand dollars)) $1,000 is approved for leave through Thursday. The employee is not approved for leave Friday or Saturday. For this week only, the following proration will occur:

(a) The employee's typical workweek hours (((forty)) 40) are multiplied by the number of approved days of leave for that week (five) and then divided by seven and rounded down. The result is an adjusted typical workweek hours of ((twenty-eight)) 28.

(b) The employee reports no hours of work or paid time off for that week. The resulting number of hours claimed for that week are ((twenty-eight)) 28.

(c) The number of hours claimed for that week (((twenty-eight)) 28) are then divided by the employee's normal typical workweek hours (((forty)) 40). This results in a percentage of ((seventy)) 70 percent.

(d) The percentage (((seventy)) 70) is then multiplied by the employee's weekly benefit amount (((one thousand)) 1,000). For that week, the employee will receive ((seven hundred dollars)) $700.

Example 3: An employee with typical workweek hours of ((forty)) 40 and a weekly benefit amount of ((one thousand dollars)) $1,000 is approved for leave through Thursday. The employee is not approved for leave Friday or Saturday. For this week only, the following proration will occur:

(a) The employee's typical workweek hours (((forty)) 40) are multiplied by the number of approved days of leave for that week (five) and then divided by seven and rounded down. The result is an adjusted typical workweek hours of ((twenty-eight)) 28.

(b) The employee reports eight hours of work and eight hours of paid time for that week. The adjusted workweek hours are reduced to reflect ((sixteen)) 16 hours of work and paid time. The resulting number of hours claimed for that week are ((twelve)) 12.

(c) The number of hours claimed for that week (((twelve)) 12) are then divided by the employee's normal typical workweek hours (((forty)) 40). This results in a percentage of ((thirty)) 30 percent.

(d) The percentage (((thirty)) 30) is then multiplied by the employee's weekly benefit amount (((one thousand dollars)) $1,000). For that week, the employee will receive ((three hundred dollars)) $300.

AMENDATORY SECTION (Amending WSR 19-23-090, filed 11/19/19, effective 12/20/19)

WAC 192-620-040 How will the department determine the number of hours of paid family or medical leave an employee claims each week? (1) When the employee submits a weekly application for benefits as described in WAC 192-620-020, the department will determine the number of hours claimed by the employee for that week by determining the typical workweek hours as described in WAC 192-610-050, then deducting the number of hours:

(a) Physically worked by the employee; and

(b) Claimed by the employee as sick leave, vacation leave, or other paid time off that has not been offered as a supplemental benefit by the employer.

(2) The result of the calculation in subsection (1) of this section will be deducted from the employee's duration of paid family and medical leave for the current claim year and, if necessary, for the purposes of proration as described in WAC 192-620-035.

(3) This section does not apply to a week that is claimed to satisfy an employee's waiting period.

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