

NEW SECTION

WAC 192-620-026 What is the maximum amount of paid family or medical benefits to which an employee is entitled in a claim year?

(1) In any given claim year, an employee is not entitled to paid family or medical leave benefit payments that exceed an amount equal to:

(a) The employee's weekly benefit amount multiplied by twelve for family leave;

(b) The employee's weekly benefit amount multiplied by twelve for medical leave; or

(c) The employee's weekly benefit amount multiplied by sixteen for a combination of family and medical leave.

(2) The amounts in subsection (1)(b) and (c) of this section may be increased by an amount equal to the employee's weekly benefit amount for medical leave multiplied by two if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(3) An overpayment waived under WAC 192-640-015 shall be charged against the employee's applicable entitlement for the claim year containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

NEW SECTION

WAC 192-620-030 How do supplemental benefit payments affect employer requirements and weekly benefit payments?

(1) Supplemental benefits made by an employer to an employee are excluded from the definition of wages in RCW 50A.04.010.

(2) Employers should not report supplemental benefit payments or associated hours to the department.

(3) Employees should not report hours of paid time off that have been designated as supplemental benefit payments by the employer to the department on the weekly application for benefits.

NEW SECTION

WAC 192-620-035 When will a weekly benefit amount be prorated?

For an employee on paid family or medical leave, a weekly benefit amount is prorated when:

(1) The employee works hours for wages; or

(2) The employee uses 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.

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 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 \$800. The weekly benefit would then be prorated by the hours on paid medical leave (eight hours) relative to

the typical workweek hours (40 hours). Eight hours is 20% of 40 hours. The employee's weekly benefit would be prorated to 20% for a total of \$160.

Example 2: An employee files a claim for eight hours of paid family and medical leave and takes sick leave from the employer for the same day. The employer does not designate the sick leave as a supplemental benefit payment. The sick leave is considered hours worked by the employee. The employee is being paid for the same hours claimed on paid family and medical leave. This employee is not eligible for benefits for this week.

NEW SECTION

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 designated 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.

NEW SECTION

WAC 192-620-045 How will the department reduce a payment if the employee owes child support?

(1) After being properly notified by a child support agency, the department will withhold a portion of an employee's benefit payment to send to the agency to satisfy child support obligations.

(2) The child support agency is responsible for notifying the employee of the order to deduct child support from paid family or medical leave benefits.

(3) Benefits deducted to satisfy child support obligations are considered paid to the employee. If an employee receives benefits to which the employee is not entitled, the amount deducted to satisfy child support obligations will be included in the overpayment.

(4) The child support agency is responsible for reimbursing the employee if the amount deducted from the employee's benefits is greater than the employee is required to pay to satisfy the employee's child support obligations. If an amount less than the employee is required to pay is deducted from the employee's benefits, the department will deduct the additional amount from future benefit weeks.

NEW SECTION

WAC 192-620-046 How can an employee appeal a deduction from weekly benefit payments to satisfy child support obligations? (1) The employee must file an appeal concerning the validity of the child support order, the total amount due, or the amount to be deducted from the employee's benefits, with the child support agency.

(2) The employee may file an appeal concerning the department's authority to deduct child support from paid family or medical leave benefits, the weeks for which the deduction is made, and the accuracy of the amount deducted with the department in the same manner as eligibility decisions are appealed. All laws and rules pertaining to benefit appeals apply to appeals under this subsection.