

## Phase Three rules post-adoption notice

On April 22, 2019, new rules related to the Paid Family and Medical Leave program took effect. The rules provide guidance on:

- 1) Premium assessment for those electing coverage and conditional waivers
- 2) Required employee notice to employer
- 3) Employee application for benefits

Self-employed individuals are not required to participate in the Paid Family and Medical Leave program. Those who opt to do so will become eligible for benefits after meeting the requirement of 820 hours in the qualifying period. They are required to submit a quarterly report to the department and responsible for the employee share of all premiums.

Employers are permitted to withhold the employee portion of the premium from employee wages. Premiums may not be withheld retroactively.

When a conditional waiver expires, the department will assess premiums retroactively to both the employer and the employee. These assessments will be made directly and separately, so no employer withholding for the employee portion of retroactive premiums will be permitted.

Employees applying for paid family or medical leave benefits are required to submit 30 days' notice to their employers in the event of foreseeable leave, or as soon as is practicable in the event of unforeseeable leave. The employee will be required to certify that proper notice was given in the initial application for benefits.

Rules in this phase also outline the process through which an employee may apply for paid family or medical leave benefits. A summary of information submitted by the employee to the department will be sent to the employer to give the employer an opportunity to contest the claim if any information provided by the employee was not accurate. The notice to the employer will have a deadline by which time the employer must submit information to the department that could potentially impact an employee's eligibility for paid family or medical leave benefits.

Several public rulemaking meetings and two public hearings were held to give employers opportunities to provide feedback on these rules. An employer toolkit is available at <http://paidleave.wa.gov>, and paid advertising has begun to inform employers of their responsibilities under Title 50A RCW.

Any person may petition the agency to initiate a change in rule. Petitions can be found on the Office of Financial Management's website. Completed forms can be submitted electronically to [Rules@esd.wa.gov](mailto:Rules@esd.wa.gov).

This communication constitutes the post-adoption notice required by RCW 34.05.362.