

**WAC 192-700-020 When does an employer need to provide a continuation of health benefits to an employee who is on paid family or medical leave?** (1) An employee taking family or medical leave under Title 50A RCW is entitled to the continuation of health benefits as provided in ~~this section when there is at least one day of concurrent use with leave taken under the federal Family and Medical Leave Act as it existed on October 19, 2017.~~ RCW 50A.35.020.

(2) When required under subsection (1) of this section, the employee's health benefits must be maintained as if the employee had continued to work from the date family or medical leave under Title 50A RCW commenced until whichever of the following occurs first:

(a) The employee's family or medical leave under Title 50A RCW ends; or

(b) The employee returns from leave to any employment.

(3) If the employer and employee share the cost of existing health benefits, then during any continuation of health benefits as provided in this section, the employee remains responsible for the employee's share of the cost as prescribed by 29 C.F.R.

825.210, 825.211, and 825.212, and any subsequent amendments to those regulations.

(4) If an employee gives the employer unequivocal notice of intent not to return to work, the employer's obligations under Title 50A RCW to maintain health benefits cease.

(45) Nothing in this section should be construed as restricting an employer from providing a continuation of health benefits for any employee's claim for paid family or medical leave.

[Statutory Authority: RCW 50A.05.060, 50A.35.010, and 50A.35.020. WSR 20-11-035, § 192-700-020, filed 5/14/20, effective 6/14/20.]