

## Paid Family Medical Leave Frequently Asked Questions

Paid Family and Medical Leave (PFML) is a benefit administered by the Washington State Employment Security Department (ESD). Because this is a benefit through the State of Washington, PFML applications and questions should be directed to ESD.

**Email:** [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) **Phone:** 833-717-2273 **Web:** [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

### What is Washington Paid Family & Medical Leave?

The Washington Paid Family and Medical Leave provides partial wage replacement for eligible employees approved for family and/or medical leave by ESD.

### Who administers Washington Paid Family & Medical Leave?

The Washington State Employment Security Department (ESD) administers all aspects of this program.

### How do I determine if I am eligible for PFML and how do I apply?

The Employment Security Department (ESD) determines eligibility for PFML. Employees who wish to apply for PFML should contact ESD.

### How much notice is an employee required to provide to their employer if they want to take PFML?<sup>1</sup>

ESD requires that the employee provide the employer with at least 30 days' advance written notice of their intent to take PFML, if foreseeable. If unforeseeable, an employee must provide notice as soon as practicable. The employee's notice must contain the anticipated timing and duration of the leave, including which days of the week the employee plans to be on PFML. If an employee could have given at least 30 days' notice and chose not to do so, ESD may temporarily deny or delay benefits.

### What forms am I required to provide to my human resource professional?

Once an employee provides their agency human resource professional notice of the employee's intent to take family and/or medical leave, they will be asked to complete the county's standard *Leave Request Form*. This is so King County can determine all eligible protections and laws available to the employee. The agency human resource professional will then provide you the *Leave Response Form* indicating the protected leave laws that are applicable to your leave situation (e.g., FMLA, KCFML, PPL, PFML, etc.). When an employee is eligible for other leave laws, such as FMLA, employees may be asked to submit a medical certification and other documentation.

### What other information should I expect to receive from my human resource professional?

Although most questions regarding PFML should be directed to ESD, your agency human resource professional may provide basic information on the interaction of paid accruals and other leaves available to you.

### Am I required to use other protected leave, such as FMLA and KCFML?

Yes, the rules and processes for other protected leaves have not changed. If you are eligible for another protected leave in addition to PFML, the county will designate the time off as such and run the leaves concurrently. For instance, if you are on PFML for your own serious health condition, and you are also eligible for Family Medical Leave or King County Family Medical Leave, the time spent on PFML will also count against your allotment for leave under FMLA and KCFML.

### Am I required to apply for PFML?

No. There is no requirement that an employee apply for PFML.

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<sup>1</sup> WAC 192-600-020; RCW 50A.15.030.

# Leave Administration – PFML Frequently Asked Questions



Department of Human Resources Leave Administration Team

## Which Employer name do I choose when completing the PFML application on the ESD website?

At this time, the name listed for King County employees is not displaying correctly. The name is currently listed as “KING COUNTY DNRP/WTD.” We are working on getting that corrected. In the meantime, use “KING COUNTY DNRP/WTD.” Please do the following in the *Employment Information* section:

- 1) Select your employment status.
- 2) Check the “I currently work here” box.
- 3) DO NOT click the Add Employer button.
- 4) Click the Next button.

**Employment Information**

What is your current employment status? \* 1.

Full-time salaried employee  Part-time or hourly employee  Unemployed

The following employers reported you as an employee beginning 01/01/2019. Please review the list and select the additional fields as necessary.

Employer Name	Employer Address	I did not work here	I currently work here
KING COUNTY DNRP/WTD	401 Fifth Ave, CNK-ES-0230, SEATTLE, WA 98104 - 1818	<input type="checkbox"/>	2. <input type="checkbox"/>

Did you work for any employer in the State of Washington from 01/01/2019 to today's date that is not listed above? Please add them below.

UBI	Employer Name	Start Date	End Date	Current Employer	Address	Phone Number	Action
No records							

## What if I see a former employer listed on the ESD website?

Newer King County employees may see a former employer name listed when completing the initial PFML application. In this case, employees will need to do the following under the *Employment Information* page:

- 1) Select your employment status.
- 2) Click the “I did not work here” (even if you did work at that former employer).
- 3) Click the “Add Employer” button.
- 4) Type in “King County DNRP” in the “Employer Name” box. Click *Search*.
- 5) Select “KING COUNTY DNRP/WTD” from the list of Employers (The associated UBI# is 578-055-920. The address listed should be 401 Fifth Ave, CNK-ES-0230, Seattle, WA 98104. Yes, we know this is not necessarily your agency. ESD is trying to correct the Employer Name.)

**Employment Information**

What is your current employment status? \* 1.

Full-time salaried employee  Part-time or hourly employee  Unemployed

The following employers reported you as an employee beginning 01/01/2019. Please review the list and select the additional fields as necessary.

Employer Name	Employer Address	I did not work here	I currently work here
Petco	123 Bunny Road, Seattle, WA 98104	2. <input checked="" type="checkbox"/>	<input type="checkbox"/>

Did you work for any employer in the State of Washington from 01/01/2019 to today's date that is not listed above? Please add them below.

3.

UBI	Employer Name	Start Date	End Date	Current Employer	Address	Phone Number	Action
No records							

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Unified Business Identifier	Employer Name	Employer Address	Action
578-055-920	KING COUNTY DNRP/WTD	401 Fifth Ave, CNK-ES-0230, Seattle, WA 98104	Select
801-549-060	KING COUNTY ACADEMY OF FAMIL...	140 LAKESIDE AVE STE A13, SEATTLE, WA 98122 - 6592	Select
804-102-460	KING COUNTY ACCOUNTABLE COM...	1801 5TH AVE, SEATTLE, WA 98101 - 3815	Select
803-335-243	KING COUNTY ANESTHESIA ASSO...		Select
800-045-572	KING COUNTY BAR ASSOCIATION	900 4TH AVE #600, SEATTLE, WA 98164 - 1001	Select
801-795-298	KING COUNTY BAR FOUNDATION		Select
802-312-127	KING COUNTY BAR INSTITUTE		Select
800-048-113	KING COUNTY CARPENTERS	20424 72ND AVE S, KENT, WA 98032 - 2319	Select
802-193-568	KING COUNTY CHAPTER OF THE NA...		Select
803-303-197	KING COUNTY CITIZENS AGAINST F...	10939 SE 183RD CT, RENTON, WA 98055 - 7170	Select

## What should I take into consideration when deciding if I should use my own paid accruals or the State’s PFML benefit?

King County fully supports the right of eligible employees to take PFML. Additionally, it is an employee’s voluntary choice to apply for PFML, the County cannot require you to do so. The following is information regarding the potential effects of PFML on your wages and other benefits.

- PFML does not provide 100% wage replacement. When using PFML, your benefit will be up to 90% of your weekly wage, with a maximum benefit of \$1,327/week<sup>2</sup>, depending on your income level. The benefit is structured so that people with lower incomes receive a higher percentage of their wages.
- Any PFML payments from ESD are not wages from King County, which means that the time associated with PFML reduces the hours reported to the Department of Retirement Systems by the County and this may impact your overall retirement credits.
- King County employees that choose to use their own paid accruals will continue to receive the pay and retirement reporting that they normally receive when working and being paid by King County.
- You are not required to use paid leave accruals prior to using PFML, but you may choose to do so.
- If you are using paid leave accruals at the same time that you are receiving PFML payments, the payment from the County will decrease PFML payments.
- If you are not approved for PFML by ESD, it may result in you being in a no pay status; workplace rules regarding no pay status may lead to potential discipline.

## How do I determine the weekly benefit I can expect to receive using PFML?

The Employment Security Department has created an online calculator for employees to determine their estimated weekly PFML benefit. To determine your estimated benefit, you should contact ESD directly or visit their online calculator at: <https://paidleave.wa.gov/estimate-your-weekly-pay/>

## How can I determine the amount of my mandatory PFML payroll deduction?

The amount of your mandatory deduction can be found on your pay advice under the “Employee Taxes” section. The deductions are split into two parts – one part being PFML medical (WA MLI/EE) and one part for PFML family coverage (WA FLI/EE).

<sup>2</sup> Amount for 2022. Maximum amounts may vary by year so check with ESD.

## **What is the maximum PFML benefit?**

ESD determines PFML entitlements. According to information from ESD, eligible employees are entitled to up to 12 weeks of family leave (caring for an eligible family member or bonding with a new child) or medical leave (self-care), or a combination of the two up to 16 weeks annually. Women who experience maternity complications are eligible for 2 additional weeks, for a total of 18 weeks per year.

## **Is there a waiting period before I can receive any money from Employment Security Department?**

Yes, there is a seven consecutive calendar day waiting period for family or medical leave, but no waiting period for a birth or placement of a child.

## **How does PFML interact with Long-Term Disability?**

Income received from other sources, including PFML, will offset county-sponsored LTD payments. If your condition appears to be eligible for PFML, King County's LTD carrier will offset payments regardless of whether PFML payments are being received.

## **How will PFML be tracked by ESD?**

ESD is responsible for tracking PFML, and questions related to remaining PFML benefits should be directed to ESD.

## **What notices does King County receive from ESD?**

The Employment Security Department provides employers with the initial notice of employee application and notices of approval or denial. ESD also asks the employer to confirm if the employee provided the required notice and when they did so. Other employer interactions may include notice requests for information (e.g., hours and wages).

## **Can I still apply for PFML even if I am no longer employed by King County or I am a seasonal or temporary employee?**

Contact the Employment Security Department (ESD) to determine eligibility.

## **Can I receive workers' compensation and PFML payments during the same week?**

No.

## **Can I submit a request retroactively for a leave of absence I have already taken?**

PFML leave requests can be filed with ESD retroactively for "good cause" as outlined in WAC 192-610-040.

## **Does the employee need approval from ESD before PFML can begin?**

No, King County assumes the start date given by the employee to the county is the correct start date, until or unless the county receives contradictory information from the state. For example, Jane tells you on May 1 that she will be taking PFML beginning June 15, her PFML leave begins on June 15. But, if not approved and submitting PFML claims for payment on that date then attendance and other policies of King County may apply.

## **Does PFML provide job protection?**

Employees are eligible for job protection under PFML if the employee has worked for King County for at least 12 months and for at least 1,250 hours during the twelve months immediately preceding the date on which leave will begin.

## **Will my healthcare benefits continue while I am on PFML and unpaid leave with the County?**

Your healthcare benefits will continue for any month that you remain in a paid status, or any period that your PFML leave is also eligible for FMLA or KCFML, or if you are eligible for benefits under the Affordable Care

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Department of Human Resources Leave Administration Team

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Act. Your human resources professional can help you determine whether you will be eligible for healthcare benefits during any or all of your PFML leave.

## **Is there a minimum number of hours an employee must be on leave before receiving PFML payments?**

Yes, the employee must have a minimum of 8 consecutive hours in a claim week.

## **What if I start my PFML and ESD ultimately denies my PFML application?**

It is possible that an employee would be considered on an unauthorized leave without pay and possible disciplinary actions may occur.

## **What may cause ESD to reduce my PFML payments?**

Any hours you work or when using paid accruals.

## **Will ESD ever seek reimbursement of PFML overpayments?**

Yes. For example, if an employee fails to accurately report income or use of paid accruals, ESD may seek an overpayment.

## **How does PFML interact with King County's sick leave policy?**

An employee is not prohibited from using paid leaves, but the employee will need to report paid leave hours and they will be counted as hours worked and will reduce the employee's benefit from the state. In other words, they won't be able to "top off" the state benefit with the King County leaves. For days that an employee is not submitting a PFML claim, they must abide by all policies of King County.

## **Do the PFML rules apply when an employee is not approved or not submitting daily claims for PFML payment?**

No. When an employee is not submitting daily PFML claims for reimbursement the rules of PFML do not apply for that particular day. For example, an employee submitting PFML claims on Monday, Tuesday and Wednesday each week would not be covered by PFML rules for Thursday and Friday each week. Employees would be required to follow existing King County policies.