

Washington Paid Family and Medical Leave Update

The Washington Employment Security Department (WA ESD) has revised the premiums and the portions paid by employers and employees effective 1/1/2022.

Change In Washington Paid Family Leave Premiums

	2021	2022	% Δ
Total Paid Leave Premium	0.40%	0.60%	50.0%
Employee Portion of Premium	63.33%	73.22%	15.6%
Employer Portion of Premium	36.67%	26.78%	-27.0%
Social Security Income Cap	\$142,800	\$147,000	2.9%
Maximum Weekly Benefit	\$1,206	\$1,327	10.0%

Example: \$50,000 Annual Income	2021	2022	% Δ
Total Tax	\$200.00	\$300.00	50.0%
Employee Portion	\$126.66	\$219.66	73.4%
Employer Portion	\$73.34	\$80.34	9.5%

Background

The Washington Paid Family & Medical Leave Act became law in July 2017. Premium collection began January 1, 2019, and benefits became available as of January 1, 2020.

Qualifying Leave Reasons

Medical Leave	<ul style="list-style-type: none"> Care for employee's own serious health condition
Family Leave	<ul style="list-style-type: none"> Care for a family member with a serious health condition Bond with a child within 12 months of their birth, adoption, or foster care placement Qualifying exigency as permitted under the federal family and medical leave act (FMLA), for family members as defined under WA PFML

<p>Eligible employees can use benefits to care for these qualifying family members</p>	<ul style="list-style-type: none"> • Spouses and domestic partners • Children (biological, adopted, foster or stepchild) • Parents and legal guardians (or spouse’s parents) • Siblings • Grandchildren • Grandparents (or spouse’s grandparents) • Son-in-law and daughter-in-law
<p>Extended Family</p>	<ul style="list-style-type: none"> • Effective July 25, 2021, employees can qualify for leave if they are caring for someone who has an expectation to rely on them for care – whether they live together or not. Additional documentation will likely need to be provided to certify this need.

Benefits

Employees can be eligible to receive up to 90% of their weekly pay—up to a maximum of \$1,206 in 2021. The maximum weekly benefit amount for 2022 is \$1,327.

Paid leave does not have to be taken all at once. Employees can claim eight consecutive hours of leave each week or claim zero hours if taking intermittent leave. For example, they can take one day off a week to care for a family member undergoing chemotherapy treatment. Or they could take their entire leave in full weeks to recover from their own major surgery.

During a **claim year**, employees can be eligible for up to:

- 12 weeks of medical leave or family leave. Medical leave is for recovering from or getting treatment for a serious health condition. Family leave is for taking care of a qualifying family member who has a serious health condition, for bonding with a new child or for certain military events.
- 16 weeks of combined medical and family leave if they experience more than one qualifying event in the same claim year.
- 18 weeks of combined medical and family leave for a condition in pregnancy that results in incapacity, like being put on bed rest or having a C-section.

A **claim year** begins on the Sunday of the week that an employee submits their initial application and ends 52 weeks later. The claim year will start even if the initial application is denied, except in cases where the employee did not meet the required 820 hours.

Employers with 150 or fewer employees can apply for a [Small Business Assistance Grant](#) to help cover the costs associated with an employee taking Paid Family and Medical Leave. There are two types of grants:

1. For employers who added an employee to their payroll temporarily to replace an existing employee on leave.
2. To help cover other wage related costs or equipment purchases.

Job Protection

For employers with 50 or more employees, employees are eligible for job protection for the duration of their leave, provided they have worked for that employer for 12 months or longer and have worked 1,250 hours (about 24 hours a week) in the year before the first day they take Paid Leave.

Eligibility

Nearly every worker in Washington could qualify for Paid Leave if they worked a minimum of 820 hours (about 16 hours a week) in Washington during their qualifying period. All hours worked in Washington count towards eligibility, even for employees that worked multiple jobs or switched employers.

Normally the first four of the last five completed calendar quarters or, if that does not meet qualifications for a minimum of 820 hours, then the last four completed calendar year quarters immediately preceding the application for leave. The state has also set up more generous rules for those who worked fewer hours due to the pandemic.

Certain workers may not be eligible for Paid Leave including:

- Federal employees
- People employed by businesses located on tribal land
- Self-employed people who do not opt into the state program
- Workers covered by a collective bargaining agreement that hasn't expired, been reopened, or renegotiated since October 19, 2017
- Workers covered by their employer's approved voluntary plan

Premiums

Businesses with fewer than 50 employees do not have to pay the employer portion of the premium.

Business size is calculated each September 30 for the next calendar year. The calculation is based on the average employee headcount over the prior four quarters based on the quarterly reports filed with the WA ESD. If a business size changes from greater than or less than 50 employees, a letter will be sent in November to the impacted employers.

WA ESD has created a webpage with information on [How Employers File their Quarterly Reports](#) and pay premiums. The webpage includes instructions, videos, and checklists. Employers pay the premiums for WA PFML through the [SecureAccess Washington \(SAW\)](#) website. The SAW website will also be used to pay the new WA Cares premiums for the Washington Long-Term Care program which will begin collecting premiums on 1/1/2022.

Employer Requirements

1. Notify employees about benefits by posting a poster in a conspicuous place. [Posters are available from the State of Washington in English and Spanish.](#)
2. Within 5 business days of learning of a potential qualifying event, employers must provide employees with a notice about WA PFML. Employers can use the [sample notice](#) created by the state.
3. Calculate and collect premiums. [The state has created a calculator to assist.](#)
4. Every quarter, all employers must complete and file a report and pay Paid Family and Medical Leave premiums. Here's what your report should include:
 - A. Basic details about your business and employees
 - B. Each employee's total hours worked, including paid time off
 - C. Each employee's total wages, including tips



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