



Benefit Guide

Washington's Paid Family & Medical Leave Program

Here for you.



Employment Security Department
WASHINGTON STATE

December 2022

www.paidleave.wa.gov

Contents

About the program	3
About this guide	3
• Stay informed.....	3
What you need to know	4
• Qualifying events.....	4
• Qualifying family members	4
Payments	6
Employer involvement	6
Interaction with other types of leave	7
Benefit decisions, appeals, and changes to your claim	8
Complaints.....	9
Fraud.....	9
COVID-19.....	9
How to apply.....	11
• GET READY TO APPLY	11
APPLY	12
WEEKLY CLAIMS AND PAYMENTS	13
More to know about taking leave for a child’s birth, placement or adoption	14
More to know about taking family leave and medical leave	15
Definitions.....	15
• Qualifying period.....	15
• Qualifying event.....	15
• Serious health condition.....	16
• Typical workweek hours.....	16
• Claim year	16
• Supplemental benefit.....	16
• More about how benefits are calculated.....	17
• Taxes.....	17
Questions?	17
Changes log.....	18

About the program

We know that the most important things in life happen outside the workday. People we care about become ill. Families welcome new members. Big moments that need extra attention come along for all of us.

Support in these times means we can be stronger both at home and at work. Paid Family and Medical Leave is an essential benefit that offers paid time off to Washingtonians when they need it most.

**It's yours –
you've earned it.**

About this guide

What it is: This guide will help you prepare for and use the Paid Family and Medical Leave program. It will also help you understand your rights and responsibilities.

Definitions: There are some terms and phrases in here that might need more explanation. We included definitions or explanations to key terms at [the end of this guide](#).

More to come: As a new program, we will continue to develop over time. We will update this guide to reflect the most current information available. We expect to update this guide in **June 2023** (subject to change based on program development and rulemaking).

The most recent version of this guide is at paidleave.wa.gov/benefit-guide. The version number and date the guide was last updated are on the bottom of each page.

Stay informed

1. Explore our website (paidleave.wa.gov).
2. Connect with us.
 - Sign up for our emails (bit.ly/paidleavelist).
 - Follow us on social media (@PaidLeaveWA on Facebook, Twitter and Instagram).

What you need to know

Am I eligible?

Paid Family and Medical Leave is available to almost everyone working in Washington. You can receive the benefit when you have:

1. Worked 820 hours (about 16 hours a week) in employment in Washington during the "[qualifying period](#)."
2. Experienced a "[qualifying event](#)."

Full-time, part-time, temporary and seasonal work counts. The benefit is also portable between jobs, so if you work more than one job or switch employers all the reportable hours you work in Washington count toward eligibility.

Are there exemptions?

- Hours do not automatically count for Paid Leave if you work for:
 - the federal government,
 - a federally recognized tribe, or
 - yourself in self-employment, including as an independent contractor or a driver with a [transportation network company](#).
 - Tribes, self-employed individuals and drivers for transportation network companies may opt-in to the program ([paidleave.wa.gov/elective-coverage](#)).
- If you work for an [employer with an approved voluntary plan](#) you might not be eligible to use the state plan, but you would be able to use your employer's benefits.
 - Voluntary plans are Paid Family and/or Medical Leave programs that Employment Security approves and your employer operates. The voluntary plan must at minimum offer the same benefits as the state plan, but you'll work out the leave with your employer instead of ESD. We maintain a list of approved voluntary plan employers ([paidleave.wa.gov/voluntary-plan-employer-list](#)).
- If you are covered by a collective bargaining agreement that hasn't expired, been reopened or been renegotiated since Oct. 19, 2017, you may not be eligible yet.
 - Ask your employer or union representative if you are unsure if this applies to you.

How much time do I get?

Within your "claim year" you can take:

- Up to 12 weeks of medical leave to recover from or get treatment for a "serious health condition," or family leave to take care of a qualifying family member who is ill or injured with a "serious health condition" or to bond with a new child or for certain military events.
- Up to 16 weeks of combined medical and family leave if you have events covered by both in the same claim year. Any medical leave designated as the "[postnatal period](#)" is included in the total amount of leave available to you.
- Up to 18 weeks of combined medical and family leave if you experience a condition in pregnancy that results in incapacity, like being put on bedrest or experiencing postpartum depression, and then take bonding leave. Any medical leave designated as the "[postnatal period](#)" is included in the total amount of leave available to you.

Do I have to take all the leave at once?

No. You can take as little as eight consecutive hours per week. For example, you could take two days off per week for chemotherapy treatment, or one day off each week to care for a parent with Alzheimer's. Consecutive hours can cover two

Qualifying events

Family leave

- Bonding with a new child coming into your family through birth, adoption or foster placement.
- Caring for a family member with a serious health condition or injury.
- Certain events for military families.

Medical leave (for yourself)

- Recovery or treatment for your own serious health condition or injury. This includes recovery from childbirth.

Qualifying family members

- Spouse
- Domestic partner
- Children (including step and foster)
- Son-in-law and daughter-in-law
- Grandchildren
- Siblings
- Parents (including in-law and in loco parentis)
- Grandparents
- Someone who has an expectation to rely on you for care—whether you live together or not.

shifts. For example, if you need the last four hours of a shift to get a treatment and the first four hours the following shift to continue that treatment, that counts as eight consecutive hours. For more information on leave duration, see "[Typical Workweek Hours](#)."

How do I apply?

You can apply online (paidleave.wa.gov/apply-now) or with a paper application.

When should I apply?

Submit your application within 30 days of your [qualifying event](#) taking place, for example, after you've had surgery or given birth. If you know in advance of the qualifying event that you'll need paid leave, because you are having a baby or planning for surgery, you can complete most of the application process ahead of time. This includes creating an online account, getting your documentation ready and your medical certification signed, and filling in most of the application. You'll also need to notify your employer at least 30 days in advance if you know about the need that far ahead of time.

If it's been more than 30 days since your qualifying event, you can backdate your claim for a "good cause" reason that prevented you from applying for Paid Leave immediately after your event. A "good cause" reason can be the result of a serious health condition, such as being in the hospital during a period of incapacity or because of a natural disaster.

You will need separate applications for medical leave and family leave events, like if you are taking medical leave to recover from giving birth and then take family leave to bond with your baby. You should apply for medical leave first. You will be able to fill out the second application in your Paid Leave account after you have received a determination on your first application. If you give birth, any leave taken in the "[postnatal period](#)" (the first 6 weeks after giving birth) will be designated as medical leave unless you specify otherwise.

Can someone help me apply?

Yes, you may designate an authorized representative to act on your behalf. The Designation of an Authorized Representative form is available by request from the Customer Care Team.

What if I need to care for a family member?

Paid Family and Medical Leave is all about caring for yourself and your family. If you are eligible for Paid Family and Medical Leave and someone who meets the definition of a family member needs you to provide care, this program is here for you. You need to:

- Meet the eligibility requirements of the program.
- Notify your employer in writing at least 30 days in advance of planned leave, or as soon as you can for unplanned leave.
- Get required documentation from the patient's healthcare provider.
- Apply for Paid Family and Medical Leave at www.paidleave.wa.gov

What do I have to do while on leave?

You will file weekly claims with us while on leave. Each weekly claim covers a week that begins on a Sunday and ends on a Saturday. The weekly claim questionnaire is available by phone if you applied on paper, and also in your customer account if you applied online.

On the questionnaire, you will answer a series of questions that pertain to your type of leave, such as if you received paid time off that is not considered a "[supplemental benefit](#)" (For more information see the section on [supplemental benefits](#)). It is your responsibility to accurately report this information. Visit paidleave.wa.gov/after-you-apply for more information and tips about what to expect after you apply.

If there is a week during my approved leave where I don't want to use Paid Leave, do I still file a weekly claim?

If you are taking leave intermittently, working or using paid time off instead of taking leave, you must still submit a weekly claim. The first question on the weekly claim is, "Do you want to receive Paid Leave benefits for this week?" If you didn't miss work or don't want to use your benefits for some other reason, select "no." You will not see this question if the weekly claim may be for your waiting week.

Can I backdate my claim?

If something prevented you from applying for Paid Leave soon after your [qualifying event](#), you may be able to backdate your claim. We can backdate a claim up to 30 days from the date when you file your application. If you want to backdate your claim further, you will need a "good cause" reason. For example, this could be the result of a serious health condition, a period of incapacity or a natural disaster.

A medical certification form may provide the information we need to determine if you are eligible to backdate your claim, but it is likely we will ask for additional information. We cannot backdate claims to before the law took effect on Jan. 1, 2020.

Payments

What benefit amount do I receive?

We will determine your weekly benefit amount based on wages reported by your employer(s). The maximum weekly benefit amount is \$1,427 in 2023 and the minimum is \$100 (unless you make less than an average of \$100 per week, then you will receive your full wage). You may receive up to 90 percent of your average weekly wage, depending on your income. A calculator to estimate your benefit payment is available at paidleave.wa.gov/estimate-your-weekly-pay.

How is my benefit amount determined?

Your employer files reports to let us know how many hours you've worked and the wages you were paid in a quarter. We use the hours reported to determine if you've met the minimum 820 hours for eligibility, and the wages reported to know how much your benefit payments will be. If you have more than one job, we add all the hours reported for you from all your employers that are required to report. If you have elected coverage, we will use the wages you reported to determine eligibility and weekly benefit amount.

Will I always receive the same amount?

Your first and last weeks of leave may be prorated based on your leave dates. We can't pay for days in a claim week that happen before your leave starts or after it ends. However, for any weeks during your leave where nothing changes about your weekly claim, your weekly benefit will not change. Your benefit payment may vary from week to week if you are not claiming the full week. For example, if you have worked or reported employer-paid time off, we will reduce your benefit payment that week. You do not report any [supplemental benefits](#) offered by your employer. For more information, see the section on [supplemental benefits](#).

How do I get paid?

If you apply online, you can choose to be paid via direct deposit or a prepaid debit card. If you apply on paper, you can only receive a prepaid debit card at this time. It is your responsibility to keep your banking information current and update this information through your online account. If you have questions about your prepaid card, please review the bank disclosures you received when you applied or contact the bank's customer support team at 888-964-0359.

Employer involvement

What do I tell my employer?

If you know you will be applying for Paid Family and Medical Leave, you must provide written notice to your employer(s) at least 30 days in advance of the date you expect your leave to begin. If the reason you need leave was unplanned, notify

your employer(s) as soon as possible. You do not have to provide details about why you are taking Paid Family and Medical Leave, but your notice should include the dates you expect to be on leave and the date you gave your employer(s) notice of your leave.

Is there any information I need from my employer before I apply?

If you are receiving paid time off or other paid leave, you should check with your employer whether they consider it to be a “[supplemental benefit](#).” You do not need to report supplemental benefits on your weekly claim, but you do need to report employer-paid time off. That’s why it’s important to check with your employer whether they are treating any employer-paid time off you receive as a supplemental benefit. For more information, see the section on [supplemental benefits](#).

You’ll also want to know if your employer operates an approved voluntary plan for medical leave, family leave or both types of leave. We maintain a list of employers with approved voluntary plans at paidleave.wa.gov/voluntary-plan-employer-list.

What notifications will my employer(s) receive?

Your employer will be notified by mail when you apply for Paid Leave. They will have 18 calendar days to contest your application if they feel you are not eligible for the program. They will also be notified when your leave is approved or denied.

Is my job protected while I am on leave?

You may be eligible for job protection. Your job is likely protected if:

- you work for a company that employs more than 50 people in Washington, and
- you have worked there for at least a year, and
- you have worked at least 1,250 hours in the year immediately preceding leave.

If you do not have job protection with Paid Family and Medical Leave there may be other local, state or federal laws that offer job protection or restoration for you. You also need to continue to follow the leave notification policies of your employer.

An employer can deny job restoration if:

- They can show that the employee’s job would not have existed when the employee returned from leave, or
- The worker is salaried and among the highest-paid ten percent of employees within 75 miles of the facility where the employee works.

What happens to my health insurance while I am on leave?

Your employer(s) are required to maintain existing health benefits for an employee receiving paid family or medical leave benefits if they have at least one day of overlap with leave taken under federal FMLA (WAC 192-700-020). Health benefits must continue without a break in coverage until the employee’s paid leave ends or the employee returns to work after taking their leave. Nothing prevents your employer from maintaining any of your benefits while you take Paid Family and Medical Leave, so please ask your employer if they will continue your health coverage while on leave. If you are responsible for paying part of your health insurance premium, your employer can require that you continue to pay your share.

Interaction with other types of leave

What’s the difference between this program and Washington’s paid sick leave law?

Paid Family and Medical Leave is not the same as paid sick leave. Paid sick leave is usually paid directly by the employer and is available for minor illnesses and preventative health care, as well as more serious health conditions. Washington law

requires your employer to provide you with the ability to accrue at least one hour of paid sick leave for every forty hours you work. It is enforced by the Washington State Department of Labor and Industries. For more information on paid sick leave, visit lni.wa.gov/workers-rights/leave/paid-sick-leave.

How does this work with FMLA?

The use of FMLA does not reduce your allowed Paid Family and Medical Leave benefit, so it is possible to use both types of leave. Also, Paid Family and Medical Leave and FMLA can usually run concurrently since many Paid Family and Medical Leave events also qualify for FMLA.

Can I receive private short-term disability insurance payments at the same time as Paid Family and Medical Leave?

Yes.

Can I use paid time, like vacation leave or sick leave, at the same time as Paid Family and Medical Leave?

You may use paid time off at the same time as Paid Family and Medical Leave but it may affect your benefit payment. Please see the "Weekly claims and payments" section for more information.

Do I have to use other leave, like vacation or sick time, before I use Paid Family and Medical Leave?

No. Your employer can't make you use paid or unpaid time off before you use Paid Family and Medical Leave. Taking Paid Family and Medical Leave is your choice.

What if I'm receiving unemployment benefits — can I also get paid leave?

You may be eligible for both, but you will need to use the benefits one at a time. You can't receive unemployment benefits at the same time as Paid Leave.

Benefit decisions, appeals, and changes to your claim

What if I disagree with my decision letter?

The decision letter will inform you of your next steps.

If you disagree with your weekly benefit amount or the number of hours you worked:

- Submit a "Request for Review" in your account.
 - Log in to your account and select 'Take Action' on your homepage.
 - Then click 'Request a Review,' provide the requested information and hit 'submit.'
- As part of the review process, we may ask you to provide us with proof of hours worked and wages earned.

If you still disagree with the review decision:

- You may file an [appeal](#).

If you disagree with any other decision:

- Submit a "Request for Review" in your Paid Leave account.

Paid Family and Medical Leave vs. FMLA

Examples of differences

Paid Family and Medical Leave

- Is a state program only for people working in Washington
- Offers paid leave
- Is available to workers in businesses of all sizes, including small businesses
- Has a broader definition of "family," including siblings and grandparents

FMLA

- A federal program throughout the U.S.
- Offers unpaid leave
- Is only available to workers in businesses of 50 or more employees

Similarities

Job protection is similar under FMLA and Paid Family and Medical Leave. Leave will usually run at the same time when people are eligible for both. See the question about job protection for more.

What if I need to take leave for more than one event in the same claim year?

If you have more than one [qualifying event](#) in your claim year, you will fill out an application for each event. You can do the second application online in your Paid Leave account. We may need you to provide additional information or forms for the new claim, such as:

- medical certification for the new [serious health condition](#), or
- proof of birth documents for family leave to bond with your baby after you have used medical leave.

For example, you had a baby on July 24, 2022. You apply for, and take, six weeks of medical leave for your recovery during the “postnatal period.” You then want to use up to 12 weeks of family leave to bond with your baby. This is your second qualifying event. You will need to fill out a second application for your second qualifying event.

Whenever possible, you must notify your employer at least 30 days before you plan to use Paid Leave. Your employer may require you to report to them the status and intention of your return to work.

Can I take Paid Family and Medical Leave if I am unemployed?

Yes. If you have worked enough hours in the [qualifying period](#), you can use Paid Family and Medical Leave. You can't claim Unemployment Insurance or workers' compensation benefits at the same time as Paid Family and Medical Leave.

Complaints

You may file a complaint with the Department against your employer if you feel they:

- interfered with your ability to apply for or receive benefits, or
- fired you or discriminated against you for applying for or receiving benefits.

We will decide whether your employer acted unlawfully. Your employer may be liable for damages, and you may have other rights like job restoration. Download our complaint forms at paidleave.wa.gov/help-center.

You may also contact the Office of the Paid Family and Medical Leave Ombuds. The Ombuds:

- is appointed by the governor,
- is a neutral and independent third-party that helps workers and employers,
- investigates, reports on and helps settle complaints and concerns about the program.

Learn more at paidleaveombuds.wa.gov or call the Ombuds' office at 844-395-6697.

Fraud

You are disqualified from receiving benefits for any week that you have misrepresented or not disclosed information that affects your claim. This includes false statements, omitting information or failing to disclose facts to receive benefits from Paid Family and Medical Leave that you would not be entitled to under RCW 50A.15.060. If we find you to have committed fraud, you may be disqualified from receiving benefits for some time and have additional penalties on overpayments associated with the fraud.

If you suspect fraudulent behavior, you can file a complaint with the Department. Please download our fraud form at paidleave.wa.gov/help-center.

COVID-19

If you or a qualifying family member are sick with coronavirus, you can apply for Paid Leave. You will need to submit a signed medical certification from a healthcare provider.

- We accept electronic signatures from healthcare providers.
- COVID-19 results do not count as medical certification.

These are not qualifying events:

- Quarantine
- School closures
- Childcare closures

Was your work impacted by the Covid-19 pandemic? If you worked fewer hours due to the pandemic, you may still be eligible for leave.

If you were denied for not having hours, and would have used Paid Leave Jan. 3, 2021 or later

Log in to your Paid Leave account and submit a Request for Review.

1. From your account homepage, select the “Request for Review” link in the “Take Action” box.
2. Select the topic “Employment History” and then select the claim number listed on the top right corner of this letter.
3. Follow the instructions on the screen and upload any additional information, if needed.

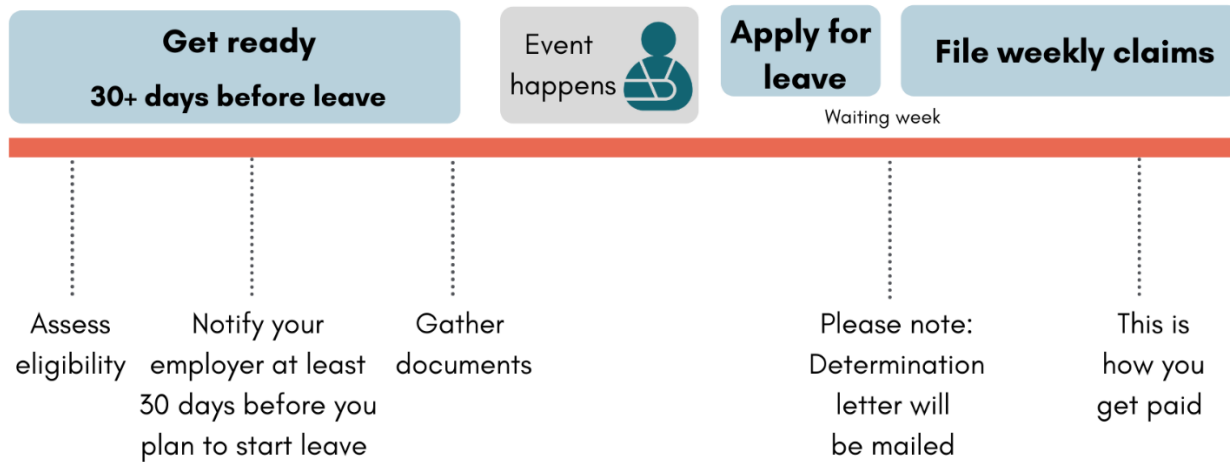
Once you submit your request, we will review using our current processing times and send you a new decision letter. Please only submit your request once.

If you didn't apply, but think you might be eligible to get those benefits now
Apply! We'll automatically check to see if you qualify under the expanded requirements.

Starting July 1, 2022, we will ask on the application if your leave is related to COVID-19.

For the most up-to-date information, please visit paidleave.wa.gov/help-center.

How to apply



- Your type of leave may not have a waiting week (learn more about the waiting week on page 13).
- Notify your employer as soon as possible if your leave is unforeseen. For example, you get in an accident or you go into early labor.

GET READY TO APPLY

Assess eligibility.

- Read the "Am I eligible" section on page 4, or
- Go to our website to take a short quiz (paidleave.wa.gov/quiz).

Give written notice to your employer at least 30 days before you plan to start your leave. If your leave was not foreseeable, provide written notice as soon as you are able. You can give notice in various ways, including text or email. You can also download a template notification at paidleave.wa.gov/get-ready-to-apply. You may also want to keep a copy of the notification you give your employer for your records.

Get your documents ready

- **Proof of ID**, such as:
 - Driver's license,
 - Passport or
 - Utility and phone bills (a complete list of documents is at paidleave.wa.gov/get-ready-to-apply).

The documentation or form you'll need depends on the type of leave you're applying for:

- **Medical leave:**
 - Medical certification signed by a healthcare provider:
 - [Certification form \(medical leave\)](#),
 - FMLA paperwork, or
 - other documentation that meets the requirements.
 - It may take two weeks or more for your doctor's office to process this paperwork, so send it to them as soon as possible.
- **Military family leave:**
 - Documentation that shows eligibility, like active duty orders.

- **Medical leave related to pregnancy or childbirth:**
 - Medical certification signed by a healthcare provider:
 - Certification form,
 - FMLA paperwork, or
 - Other documentation that meets the requirements.
 - It may take two weeks or more for your doctor's office to process this paperwork, so send it to them as soon as possible.
 - Note: Leave that a parent who gives birth takes in the "postnatal period" will be designated as medical leave, unless you specify otherwise. If you plan to also use family leave, you will need to submit a second application.
- **Family leave to bond with a child who was born into your family:**
 - Both parents can use our [Certification form \(pregnancy and birth\)](#).
 - If you give birth to a child and apply for medical leave before bonding leave, you can use the [Certification form \(medical leave\)](#) or the [Certification form \(pregnancy and birth\)](#) for both applications if the form reflects your child's actual date of birth (not due date).
- **Family leave to bond with a child who was adopted or placed in your family:**
 - Court documents to show foster care, adoption or guardianship placement, or
 - Other documentation that establishes the child's placement date, like a letter from an assigned social worker or agency.

What is in the application?

- Basic information about yourself (full name, date of birth, address, contact information, Social Security Number. If you do not have a Social Security Number, you may fill out a paper application or call our Customer Care Team for more information).
- Verification of your employment history.
- The date you notified your employer about your leave.
- What type of leave you're taking (family or medical).

APPLY

Create your account(s)

- Go to paidleave.wa.gov/login. Click on the "Worker log in" button. This will take you to the state's log-in service, SecureAccess Washington. Use an existing SAW login or create a new one. (Not sure if you have a SAW login? Click the "Get Help" button on the SAW homepage to find out.)
- In SAW you'll add Paid Family and Medical Leave to your services by:
 - Selecting "Browse a list of services"
 - In the list of services find "Employment Security Department" and click it
 - Click the "Apply" button next to Paid Family and Medical Leave
- You will then create a Paid Family and Medical Leave account.

Important tip!

Double-check your name and your SSN before finalizing your account creation.

Fill in the application(s)

- You'll provide basic information and verify your employment history.
- A paper application is available if you do not have a Social Security Number.
- Be sure to upload your proof of ID document(s) and Certification form, if applicable, to complete the application.
- Your employer will also be notified by mail when you apply. They will have 18 days to contest your application if they feel you are not eligible for the program.
- **If you are pregnant and plan to take both medical and family leave upon the birth of your child**, you will fill out two applications.
 - The first application is for medical leave during the "postnatal period." Upload a [Certification form](#) with your application.

- Once you receive a determination, you can submit a family leave application for bonding in your same Paid Leave account. You will need to provide a [Certification form \(pregnancy and birth\)](#) or documentation from the hospital that shows your child's date of birth.
- **If you are pregnant and only taking family leave for bonding**, fill out your application for family leave.

Upload documents

- Proof of identification documents
- [Certification form \(medical leave\) or Certification form \(family leave\)](#) (if applicable)
- [Certification form \(pregnancy or birth\)](#) (if applicable)
- Documentation for placement (if applicable)
- Military family leave documents (if applicable)

Get your determination

- Submit your application and the necessary documents.
- We will review your application and may contact you if we have questions.
- Once we make a decision, we will mail you a determination letter at the mailing address you gave us.
 - This letter will tell you your maximum weekly benefit amount and confirm the dates of your approved leave and claim year.

Waiting week

- The law requires a "waiting week" for some types of leave. There is no waiting week for parental bonding leave, medical leave taken during the "postnatal period" and military exigency.
- Your "waiting week" is the first week you are approved to file a weekly claim and used leave. You will not be paid for that week.
- Claim weeks always start on Sunday and end the following Saturday. To qualify as a waiting week, you must claim a minimum of eight consecutive hours. If your qualifying event occurs after Sunday in the first week you need to take leave, the waiting week may be less than a week.
- During this time, you may use paid time off from your employer, including paid vacation or sick days, without impact on your Paid Family and Medical Leave benefits.
- If the first week of your paid family or medical leave happens before you receive your approval letter and can begin filing weekly claims, that first week still counts as your waiting week.

For example, your paid medical leave start date is July 13, 2022. You receive your approval letter on July 22, 2022. The first week of your approved leave is your waiting week, so the first week you will receive payment is the week beginning on Sunday, July 17, 2022.

WEEKLY CLAIMS AND PAYMENTS

Weekly claims

- Weekly claims are how you receive your payments.
- Once we approve your application, you can begin filing weekly claims.
- You can file claims for weeks you were on leave after your qualifying event occurred but before we approved your application.
- You also may be able to backdate your claim because you were unable to file for Paid Family and Medical Leave right after your event occurred (see more on [backdating](#)).
- The minimum claim for each week is eight consecutive hours. That's one day for full-time employees but might be more than one day if you work part-time.
- You can file weekly claims in your Paid Leave account or by calling us.

- If you are taking leave intermittently, working or using paid time off instead of taking leave, you must still submit a weekly claim.
 - The first question on the weekly claim is, “Do you want to receive Paid Leave benefits for this week?” If you didn’t miss work or don’t want to use your benefits for some other reason, select “no.” You will not see this question if the weekly claim may be for your waiting week.
- On the questionnaire, you will answer a series of questions that pertain to your type of leave. You may answer different questions from one week to the next.
- The status of your weekly claims and your weekly claim history is available in your benefit account.
- You cannot collect Unemployment Insurance or workers’ compensation benefits during the same week as Paid Family and Medical Leave.

Payments

- If you use paid time off at the same time as Paid Family and Medical Leave your benefit payment will be affected. However, your employer may choose to offer additional pay to you while you are using Paid Family and Medical Leave – this is called a “[supplemental benefit](#).” Not all paid time off is a supplemental benefit, so you need to check with your employer if this is available to you. It is your employer’s choice to offer a supplemental benefit, and your choice to take it if it is available.
 - If you worked or received other benefits, like employer-provided paid time off that is not designated as a supplemental benefit, your payment will be reduced that week.
- If you apply online, you can choose to be paid via direct deposit or a prepaid debit card. If you apply on paper, you can only receive a prepaid debit card at this time.

Visit paidleave.wa.gov/after-you-apply for more information and tips on what to expect after you apply.

More to know about taking leave for a child’s birth, placement or adoption

All parents are eligible! Moms, dads, non-birth parents and guardians are eligible for paid family leave to bond with a child coming into their home through birth, adoption or foster placement within the first year after birth or placement. Each parent is entitled to their 12 weeks of bonding leave, even if they work for the same employer.

Parents and guardians do not have to take leave at the same time, and leave does not need to be taken all at once. For example, one parent may want to take four weeks off right after their child is born, and then use the remaining eight weeks after the parent who gave birth returns to work.

You can take parental leave anytime in the first year after a child’s birth, adoption or placement. Are you a foster or adoptive parent to an older kid? Bonding leave applies to placement or adoption of any children under the age of 18.

If you are giving birth, you will likely fill out two applications. The first application is for medical leave during the “[postnatal period](#)” (the first 6 weeks after giving birth) and the second application is for family (bonding) leave. You will be able to fill out the second application in your Paid Leave account after you have received a determination on your first application. You will need to provide proof of birth documentation (such as our [Certification form \(pregnancy or birth\)](#), a copy of your child’s birth certificate or documentation from the hospital showing your child’s date of birth).

You may use the same certification of birth for both postnatal medical leave and bonding leave. Combining medical and family leave allows you to take up to 16 weeks of leave total.

If you need more than 6 weeks of medical leave following childbirth, for example if you have a C-section or postpartum depression, you will also need medical certification and you may qualify for a total of up to 18 weeks of combined medical and family leave.

Please note: We cannot approve applications if the qualifying event has not occurred. If you apply for family leave to bond with a child and your child has not yet been born, or you apply for medical leave before a scheduled surgery, we will deny your application if we process it before the birth, placement or adoption of your child or the date of the surgery. You will receive a denial letter from us that has next steps for getting a redetermination.

More to know about taking family leave and medical leave

Multiple people can provide care for the same qualifying family member. Caregivers do not have to take leave at the same time and more than one person can take leave for the same qualifying family member, as long as they all meet eligibility requirements. Each person will fill out a separate application.

Upload your documents. All applications require proof of ID, but if you're applying for medical or family leave, you will also need to submit documents that certify your need for leave. You can download our certification forms from paidleave.wa.gov/help-center, fill them out with your healthcare provider and upload the documents to your Paid Leave account. You may also choose to have your healthcare provider submit the documentation or use other forms, such as FMLA paperwork or a birth certificate.

Definitions

Qualifying period

Normally, the first four of the last five completed calendar quarters or, if that does not get you to the required 820 hours, the last four completed calendar quarters immediately preceding the application for leave.

Was your work impacted by the Covid-19 pandemic? If you worked fewer hours due to the pandemic, you may still be eligible for leave.

If you were denied for not having hours, and would have used Paid Leave Jan. 3, 2021 or later

Log in to your Paid Leave account and submit a Request for Review.

1. From your account homepage, select the "Request for Review" link in the "Take Action" box.
2. Select the topic "Employment History" and then select the claim number listed on the top right corner of this letter.
3. Follow the instructions on the screen and upload any additional information, if needed.

Once you submit your request, we will review it and send you a new decision letter in a few weeks.

Qualifying event

A qualifying event is a thing that happens for which you need to take leave. Not all illnesses, injuries or situations will qualify you to take Paid Family and Medical Leave.

- The law says, "paid family leave [is] for the birth or placement of a child with the employee, for the care of a family member who has a serious health condition, and for a qualifying exigency under the federal family and medical leave act," and "paid medical leave [is] for an employee's own serious health condition."
- There is more information on page 4 about qualifying events.

Serious health condition

A definition of a “serious health condition” is provided by law (RCW [50A.05.010](#)), and it is at the discretion of a healthcare provider to make an initial decision about whether your or your family member’s condition meets that definition.

- A serious health condition could include an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; incapacity due to pregnancy or for prenatal care; incapacity for some chronic serious health conditions, and more.
- Things that would not be included are the common cold, routine dental work, headaches that are not migraines and earaches.
- Impacted by COVID-19? See more information on pages 9-10.
- More information can be found at paidleave.wa.gov/healthcare-providers.

Typical workweek hours

Your duration of leave is determined based on your “typical workweek hours.” This is your average number of hours worked per week since the beginning of the [qualifying period](#). Salaried, full-time employees are always calculated at 40 hours per week. Your typical workweek hours are multiplied by the maximum number of weeks allowable for the event, usually 12 weeks, creating a bank of hours you can draw from while on leave.

Claim year

The claim year begins on the Sunday of the week you submit your initial application. The claim year expires 52 weeks later. Your claim year will start even if your initial application is denied (note: the claim year does not start if your application was denied because you do not have enough worked hours).

- If you submit more than one application (such as medical leave and then family leave after giving birth) your claim year does not restart.
- We have [a quiz on our website](#) to help you figure out if you may be eligible.

Supplemental benefit

Because Paid Family and Medical Leave is partial wage replacement, your employer may choose to provide additional pay to you while on Paid Family and Medical Leave to supplement the benefit you receive. This is a supplemental benefit.

- This can be provided in any way your employer chooses, including designating certain paid time off as a supplemental benefit. Any supplemental benefit amount can be provided. It is your employer’s choice to offer this and your choice to receive it if offered. Paid time off is not automatically a supplemental benefit, so it is important to check with your employer if this is available to you.
- You do not report supplemental benefits on your weekly claim but paid time off that is not considered a supplemental benefit must be reported.

Transportation Network Company (TNC)

A company or other entity that operates in Washington and uses a digital network to connect passengers with TNC drivers to provide prearranged rides. (RCW 46.04.652)

Important:

Effective June 9, 2022, drivers contracting with a TNC who transport passengers may elect coverage as a self-employed individual if they want to participate and be eligible for paid family or medical leave benefits.

If drivers have worked 820 or more hours in their qualifying period including hours earned through June 8, 2022, they may be eligible for benefits as an employee for work performed for a TNC. Any hours and wages earned on or after June 9, 2022, will not be considered toward eligibility, unless they elect coverage.

Drivers may qualify for leave if they have work with other employers that are required to report hours worked and wages.

Postnatal period

The postnatal period is the first six weeks after a Paid Leave customer gives birth to a child.

- Any leave taken by the birthing parent in the “postnatal period” will be designated as medical leave unless they specify otherwise.
- Leave taken in the postnatal period does not have a waiting week. Leave taken before the birth of a child does have a waiting week.
- You will need to submit proof of birth documentation with your application. This could be our medical certification or other paperwork that shows the child’s date of birth.

We cannot approve leave for the postnatal period before the birth of a child. If you need to start leave before you give birth, such as for incapacity related to pregnancy, you will need to submit an application for medical leave along with a medical certification, and you will have a waiting week.

More about how benefits are calculated

When you apply for benefits, we review the wages your employer(s) reported you were paid in the [qualifying period](#). If you have more than one job, your wages are added together. Then we take the two highest wage-earning quarters, add them together, and divide by 26. This is how we determine your average weekly wage. That number is then compared to the state average weekly wage to determine your weekly benefit amount.

Taxes

The IRS has not given us an answer on whether Paid Leave benefits are taxable. We will update you if they do.

Since we don’t know if your benefit payments will be taxed by the federal government, we have decided to issue a 1099-G form to all customers who received family leave benefits. However, how you as an individual report this income for tax purposes is up to you and your tax professional, and we cannot provide you with any tax advice or additional guidance.

We will mail the form in mid-January to the address we have on file for you. We will also send information about the family leave benefits you received to the IRS. Please note that the U.S. Postal Service will not forward your 1099-G unless they have a change of address on file.

For additional information or updates, please visit paidleave.wa.gov/help-center.

Questions?

Call us at 833-717-2273 for help with questions about your application, account, weekly claims, payments and usage of the program. For answers to frequently asked questions and updates, please visit paidleave.wa.gov.

Changes log

January 3, 2020

- Updated information about the continuation of healthcare benefits (p 7)

February 3, 2020

- Updated information for January 2020 applications (p 5, 8, 9, 11)
- Added link to paidleave.wa.gov/after-you-apply (p 5, 12)

March 26, 2020

- Added information about our hardship review process (p 9)
- Updated information around applying for both medical and family leave (p 4, 5, 8, 12, 13)

May 12, 2020

- Added information about Certification of Birth form (p 10, 11, 13)

July 16, 2020

- Updated definitions of job protection and health insurance (p 7)
- Added links and information about complaint forms (p 9, 10)

January 1, 2021

- Updated information about when to apply, backdating and when to file weekly claims (p 5)
- Updated maximum weekly benefit amount (p 6)
- Added information about using unemployment benefits (p 8)
- Removed information about Events in 2019 and Hardships (p 8, 9)
- Added information about requesting changes to claims (p 8)
- Added information about COVID-19 (p 10)
- Added information about taxes (p 16)

June 11, 2021

- Updated information about backdating (p 5)
- Updated links and contact information (p 12, 16)
- Editing and formatting for grammar and clarity

July 2, 2021

- Updated definition of qualifying period (p 14, 15)

November 1, 2021

- Updated maximum benefit amount (p 6)

April 7, 2022

- Clarified qualifying family member list (p 4)

June 9, 2022

- Added information about list of employers with approved voluntary plans (p 4, 7)
- Added information about the weekly claim questionnaire (p 5, 6)
- Added information about "postnatal period" (p 5, 9, 12, 13, 16)
- Added information about transportation network companies (p 16)

December 1, 2022

- Updated weekly benefit amount for 2023 (p 6)
- Updated name of Certification forms (p 5, 6, 9, 11, 12, 13, 14, 15, 17)



Employment Security Department
WASHINGTON STATE