



# Benefit Guide

## Washington's Paid Family & Medical Leave Program

**Here for you.** 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.

**Stay informed:** The most recent version of this guide is at [paidleave.wa.gov/benefit-guide](https://paidleave.wa.gov/benefit-guide). We update this guide to reflect legislative and procedural changes.

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## About Paid Leave

We know 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 a benefit that offers paid time off to Washingtonians when they need it most and is available to almost everyone working in Washington.

- **Paid time off** when you have a serious health condition that prevents you from working, need to care for a family member with a serious health condition, or are bonding with a new baby or child in your family. Military family leave allows you to spend time with a family member who is about to be deployed overseas or is returning from overseas deployment.
- **Job protection** while you're on leave may be guaranteed if you've worked for a larger employer for at least a year (review the requirements in the Job Protection section on Page 5). Check with your employer to see if you'll qualify for job protection when you return from leave.
- **Health insurance continuation** while you're on leave may be guaranteed if you've worked for a larger employer (review the requirements in the Interactions with Other Types of Leave section on Page 6).

**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](https://lni.wa.gov/workers-rights/leave/paid-sick-leave).

## Two types of leave

### Medical Leave:

- Medical leave for yourself – for recovery or treatment for your own serious health condition or injury.
- Prenatal leave – for prenatal care during your pregnancy, can include complications.
- Postnatal leave – for recovering from childbirth, can include complications.

### Family Leave:

- Bonding after the birth of your child.
- Bonding after the adoption of your child.
- Bonding after the placement of your foster child.
- Military exigency – leave related to a family member's military deployment.
- Leave to care for a family member who has a serious health condition or injury.

## Qualifying family members

- Spouse
- Domestic Partner
- Children
- Children-in-law
- Grandchildren
- Siblings
- Parents
- Grandparents
- Someone who has an expectation to rely on you for care, whether you live together or not.

## Eligibility requirements

You are eligible when you have:

1. **Experienced a "qualifying event"**: the thing that happened for which you need to take leave, like a serious illness or injury, birth of a baby, adopting or fostering a child, or your family members' military exigency.
2. **Worked 820 hours** (about 16 hours a week) in employment in Washington during your "[qualifying period](#)". We look at your employment history for a 12-month period. Full-time, part-time, temporary and seasonal work counts. If you work more than one job or switch employers, all the reportable hours you work in Washington count toward eligibility. Qualifying periods always start on the first day of a calendar quarter, and it usually starts about 15 months before the day you apply for leave or your leave start date, whichever is earlier.

Certain types of employment are excluded from Paid Leave by law:

- Federal employees.
- Individuals who perform "casual labor" (RCW 50A.05.010).
- Federally recognized tribes, unless the tribe has opted in.
- [Self-employed individuals, independent contractors](#) and [rideshare drivers](#), unless opted in.

Take a **short eligibility quiz**

on our website

[paidleave.wa.gov/quiz](https://paidleave.wa.gov/quiz)

**How much time:** Within your "[claim year](#)" (approximately one year after you submit an application), 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 complication related to pregnancy or birth, 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.

**You don't have to take your leave all at once.**

You can use leave intermittently throughout your approved leave dates.

**If you need to take leave for more than one [qualifying event](#) in the same 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.

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. You will need to fill out a second application for family leave.

## Employment

**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.**

If you did not know you needed leave ahead of time, provide written notice as soon as you can. You can give notice in different ways, like text or email. You can also download a template notification at [paidleave.wa.gov/get-ready-to-apply](https://paidleave.wa.gov/get-ready-to-apply). You may want to keep a copy of the notification you give your employer for your records.

**We share information with your current employer.** The employer you mark as “current employer” in your benefit application or during your claim year (either after you file a weekly claim or by selecting **Update Current Employers** from your benefit account homepage) 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. We’ll also share the following information:

- Your name, Benefit Claim ID number, Application date and requested leave dates, Leave type (Medical or Family), Decision and approved leave dates.

If you submit weekly claims, employers will only have access to our decisions:

- WW = Waiting week
- Yes = Approved and paid week
- No = Denied or unpaid

If any of the benefit details listed above change, the new information will be shown to your employer.

**We will not be sharing:**

- Your health information, the reason you have applied for leave, your weekly benefit amount, your payment amounts, your hours used, if your application is currently being redetermined or appealed, or if there are any other employers associated with your account or leave.

You can share this information with your employer if you choose. Some employers may ask for this information if they want to top off your benefit or provide [supplemental benefits](#).

**You’ll 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-plans-employer-list](https://paidleave.wa.gov/voluntary-plans-employer-list). 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.

## 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 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.

Your employer can deny job restoration if:

- They can show that your job would not have existed when you returned from leave, or
- You’re salaried and among the highest-paid ten percent of employees within 75 miles of the facility where you work.

## Interaction with other types of leave

**Employers must maintain existing health benefits when you're receiving Paid Leave benefits if you have at least one day of overlap with leave taken under the federal Family Medical Leave Act ([WAC 192-700-020](#)).**

Health benefits must continue without a break in coverage until your paid leave ends or you return to work after taking your leave. Nothing forbids your employer from maintaining any of your benefits while you take Paid Leave, so please ask your employer if they will continue your health coverage while you're on leave, even if it doesn't overlap with FMLA.

If you're responsible for paying part of your health insurance premium, your employer can require that you continue to pay your share.

Using FMLA doesn't reduce your allowed Paid Leave benefit, so you can use both types of leave. Also, Paid Leave and FMLA can usually run concurrently since many Paid Leave events also qualify for FMLA.

**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 ([WAC 192-610-075](#)).

**For private short-term disability,** contact your insurance provider to see if you can file for disability payments at the same time as Paid Leave in case your plan has any restrictions.

### Paid Leave vs. FMLA

#### Differences

##### Paid 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

##### Family Medical Leave Act (FMLA)

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

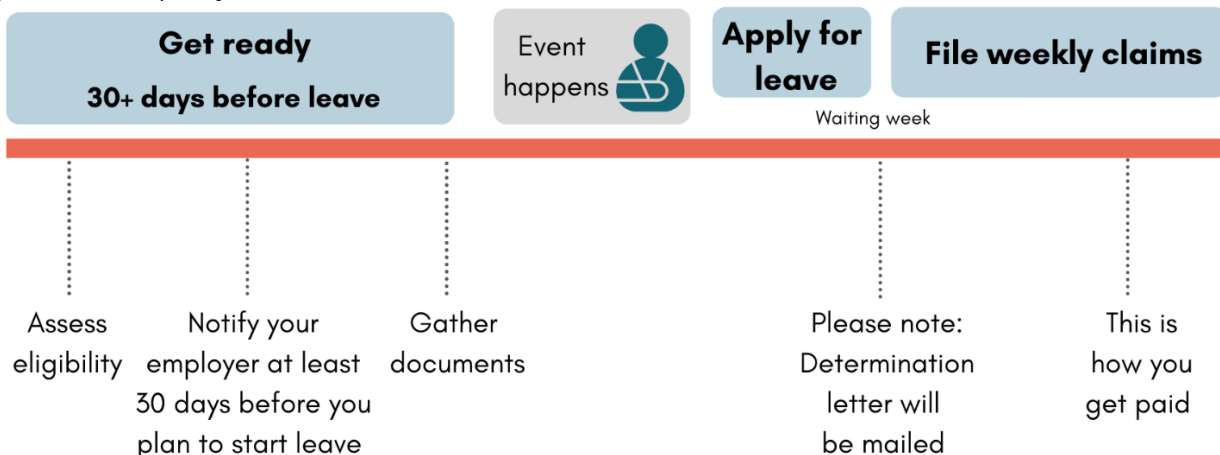
#### Similarities

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.

## When to apply

**Submit your application within 30 days after your [qualifying event](#) takes place.**

- If it's been more than 30 days since your qualifying event, you may be able to backdate your claim for a "good cause reason" that prevented you from applying. A "good cause" reason can be the result of a serious health condition, a period of incapacity or because of a natural disaster.



## How to apply

### To apply online, create or access your account

- Go to [paidleave.wa.gov/login](https://paidleave.wa.gov/login) then select **Worker log in**. Read through the pop-up window and select **Click to log in**. This takes you to the state's log-in service, SecureAccess Washington. Use an existing SAW login or create a new one.
- In SAW, add Paid Family and Medical Leave to your services:
  - Select **Add a New Service**
  - Select **I would like to browse a list of services by agency**
  - Find and click on **Employment Security Department**
- Then, find "Paid Family and Medical Leave" and click on **Apply**
- From your SAW homepage, click on **Access Now** to access your secure portal and create a Paid Leave account.

### Fill in and submit the application.

- You'll provide basic information about yourself and verify or enter your employment history.
- Be sure to upload:
  - **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-identification-documents](https://paidleave.wa.gov/get-ready-to-apply-identification-documents)
  - Other documentation or forms, depending on the type of leave. You can submit these documents later, but your application isn't complete without them.
- Select your payment preference.
  - 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. 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, review the bank disclosures you received when you applied or contact U.S. Bank's customer support team at 855-282-6161.
- Submit your application.

### The documents you'll need:

- **Medical leave for your own serious health condition, for prenatal care, or after giving birth:**
  - Certification form signed by a health care provider for the type of medical leave you're applying for,
    - [Certification form \(medical leave\)](#)
    - [Certification form \(pregnancy and birth\)](#)
    - FMLA paperwork, or
    - Other documentation that meets the law.

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'll need to submit a second application.

### If you apply on paper:

- You'll receive payments on a prepaid debit card.
- You will call us to file weekly claims.
- Paper benefit applications are available in 15 languages at [paidleave.wa.gov](https://paidleave.wa.gov).
- Use the paper application if you don't have an SSN.

### Important tip!

Double check your name, date of birth and SSN before you finish.

- **Family leave to care for a family member with a serious health condition:** Medical certification signed by a health care provider:
  - [Certification form \(family leave\)](#),
  - FMLA paperwork or
  - Other documentation that meets the law.
- **Family leave to bond with a child who was born into your family:**
  - Both parents can use our [Certification form \(pregnancy and birth\)](#).
- **Family leave to bond with a child who was adopted or placed in your family:**
  - Documentation that shows the child's initial placement or adoption date, like a letter from a social worker or certified adoption order.
- **Military family leave:**
  - Documentation that shows eligibility, like active-duty orders.

## After you apply

- We'll review your application and may contact you if we have questions.
  - Make sure you keep your phone number and mailing address up to date. We may send a secure message if you applied online.
  - If you don't respond, we'll use the information we have to make our decision.
- Once we make a decision, we'll send your decision letter to your mailing address.
  - If approved, this letter will tell you your maximum weekly benefit amount, typical workweek hours and confirm the dates of your approved leave and claim year.

**The decision letter will inform you of your next steps.** If you disagree with any decision about your benefits or need to make a change to your claim:

- Submit a "Request for a Review" in your account.
  - Log in to your account and find the 'Claim Review(s)' section on your benefit account homepage.
  - Then click **Request Review**, provide the requested information and documentation then **Submit** your request.
- As part of the review process, we may ask you to provide us with documentation supporting your request.

*If you do not have an online account, request a review of your claim by phone. Call our Customer Care Team at 833-717-2273 Monday through Friday between 8:30 a.m. and 4:30 p.m.*

If you still disagree with the review decision:

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

## File weekly claims to receive payments

**Once we approve your application, 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 in your customer account if you applied online.
- It is your responsibility to accurately report this information.
- You can file claims for weeks you were on leave but before we approved your application. If you are taking leave intermittently, working or using paid time off, you must still submit a weekly claim.

*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", family leave for the loss of a child or family leave for military exigency.
  - There is a waiting week for family leave to care for a family member with a serious health condition or for medical leave taken for your own serious health condition, including prenatal care.
- Your "waiting week" is the first week you are approved to use paid leave, and you won't be paid for that week.
- During your "waiting week," you may use paid time off from your employer without impacting your benefits.



## Weekly claims

**You will answer one question at a time as you fill out your weekly claim. As you answer, you'll be directed to the next question that applies to you. You may not see every question below during each week that you file a weekly claim.**

- Do you want to receive Paid Leave benefits for the week?
  - *What it means:*  
You have the choice to request or use benefits for any week of your approved leave.
- Did you (or will you) receive Unemployment Insurance benefits for this week?
  - *What it means*  
You can't receive Paid Leave benefits during the same week you received (or expect to receive) unemployment insurance benefits.
- Were you (or will you be) paid for this week by Labor and Industries Workers' Compensation or by your employer's private insurer for an on-the-job injury?
  - *What it means*  
You can't receive Paid Leave benefits during the same week you received (or expect to receive) paid benefits from L&I's Workers' Compensation.
- Did you work at all this week?
  - *What it means:*  
If you worked at all during this week, select "Yes."  
If you didn't work at all, or if you're unemployed, select "No."
- How many hours did you work?
  - *What it means:*  
Enter the number of hours you worked at any job. You have to enter a whole number.  
For your first or last weekly claim, you should only report hours worked within your approved leave duration.
- Did you miss at least 8 consecutive hours of work this week?
  - *What it means:*  
You have to miss at least eight consecutive hours in a week to get Paid Leave benefits for that week. For example:
    - You missed a full 8-hour shift
    - You missed the last 4 hours of one shift and the first 4 hours of the next shift
- Did you use any paid time off from your employer, like vacation or sick leave?
  - *What it means:*  
If you used paid time off this week, like vacation leave, sick leave, or holiday pay, and your employer didn't specifically tell you it was a [supplemental benefit](#) (paid time off provided by your employer on top of the Paid Leave benefits you're receiving), select "Yes."  
If you're not sure if your employer considers your paid time off a supplemental benefit, you'll need to ask them.  
If you didn't use any paid time off this week, select "No."
- How many hours of paid time off did you use?
  - *What it means:*  
Enter the whole number of hours of paid time off you used.  
For your first or last weekly claim, you should only report paid time off used during your approved leave duration.

### Payments

**If you work** at the same time as Paid Leave, your benefit payment will be affected.

**If you use paid time off** at the same time as Paid Leave your benefit payment will be affected, unless:

- Your employer chooses to offer a "[supplemental benefit](#),"
- Short term disability payments are considered a "[supplemental benefit](#)."
- It is your "waiting week." You may use paid time off from your employer, including paid vacation or sick days, during that time without impact on your Paid Leave benefits.

## Payments

We will determine your weekly benefit amount based on wages reported by your employer(s). Estimate your benefit payment at [paidleave.wa.gov/estimate-your-weekly-pay](https://paidleave.wa.gov/estimate-your-weekly-pay).

- The maximum weekly benefit amount is \$1,456 in 2024 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.

Your employer reports how many hours you've worked and the wages you were paid in a quarter. We use those hours to determine if you've met the minimum 820 hours for eligibility, and those wages 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.

[Self-employed workers](#) or [Transportation Network Company drivers](#): If you have elected coverage, we will use the wages you reported to determine eligibility and weekly benefit 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](#).

## To file a complaint

Download our complaint forms at [paidleave.wa.gov](https://paidleave.wa.gov) if you suspect unlawful acts or fraudulent behavior.

### 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](https://paidleaveombuds.wa.gov) or call the Ombuds' office at 844-395-6697.

## Unlawful acts

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.

## Taxes

The IRS has not given us an answer on whether Paid Leave benefits are taxable, so 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:

- The U.S. Postal Service will not forward your 1099-G unless they have a change of address on file.
- We will not be providing 1099-G forms for medical leave benefits.

## 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](http://paidleave.wa.gov/help-center).

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 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.

## Definitions

### 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).

### 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.

### 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 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."

### Qualifying period

Normally, the qualifying period is the first four of the last five completed calendar quarters prior to applying for leave or your leave start date, whichever is earlier. If you do not have the required 820 hours in that 12-month time period, then we will look at the last four completed calendar quarters immediately before your application submission date or leave start date, whichever is earlier. The four quarters in a year are:

QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4
January, February, March	April, May, June	July, August, September	October, November, December

## Serious health condition

RCW [50A.05.010](#) defines a “serious health condition” and the list of health care providers that can 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.
- More information and a list of qualifying health care providers can be found at [paidleave.wa.gov/healthcare-providers](https://paidleave.wa.gov/healthcare-providers).

## 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.

## 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.



