



## Paid Family and Medical Leave

### Statement of Employee Rights

#### You may qualify for Paid Family and Medical Leave

As of Jan. 1, 2020, Washington employees who have worked 820 hours or more in the qualifying period and experience(d) a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement
- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The Paid Family and Medical Leave Benefit Guide provides information on how to apply for benefits and submit weekly claims. It also explains your rights and responsibilities under the law. Download the guide at [www.paidleave.wa.gov/benefit-guide](http://www.paidleave.wa.gov/benefit-guide).

Contact Washington Paid Family & Medical Leave at 833-717-2273 or visit [www.paidleave.wa.gov](http://www.paidleave.wa.gov).

#### Important information for when you apply

Employer UBI #: **91-6001348**

This employer offers supplemental benefits: Y  N **X**

**Note:** Kitsap County does not allow an employee to supplement PFML with their paid County accruals in order to achieve 100% salary replacement. You can however, use your paid County accruals intermittently with PFML.

#### Contact Kitsap County HR: [humanresources@co.kitsap.wa.us](mailto:humanresources@co.kitsap.wa.us) or 360.337.7185

We are here to help you coordinate your paid leave of absence! Please reach out to HR as soon as possible to ensure proper scheduling, paperwork submission and management of ongoing benefits and accruals.

# PFML Frequently Asked Questions

Department of Human Resources



## Introduction

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 Employment Security Department (ESD).

## Who administers Washington Paid Family & Medical Leave?

The Washington State Employment Security Department (ESD) administers all aspects of this paid leave benefit 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?

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 at least the anticipated timing and duration of the leave. 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 Human Resources?

Once an employee provides Human Resources notice of the employee's intent to take family and/or medical leave, they will be asked to complete the county's *FMLA/Medical Leave Request Form*. This is so Kitsap County can determine all eligible protections and laws available to the employee.

## What other information should I expect to receive from Human Resources?

Although most questions regarding PFML should be directed to the ESD, your Human Resource professional may provide basic information on the interaction of paid accruals, benefits deductions and other leaves available to you, if applicable.

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

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 example, if you are on PFML for your own serious health condition and you are also eligible for Family Medical Leave, the time spent on PFML will also count against your allotment for leave under FMLA.

## Am I required to apply for PFML?

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

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

Kitsap 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 \$1,206/week, 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 Kitsap 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.
- Kitsap 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 Kitsap County.
- You are not required to use paid leave accruals prior to using PFML, but you may choose to do so.
- If you are not approved for PFML by ESD, it may result in you being in a no pay status.

## 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/>

## 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.

## 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 PFML provide job protection?

Employees are eligible for job protection under PFML if the employee has worked for Kitsap 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.

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## **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 through the county. For example, you can supplement 1 day of your personal time balance each month while absent under PFML. This day of leave within the county system will cover your benefit deductions and earn that month's time accrual. Human Resources 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.

## **Will ESD ever seek reimbursement of PFML over-payments?**

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 Kitsap County's sick leave policies?**

An employee who is on PFML cannot be required to exhaust their sick leave before entering unpaid leave. Employees still have the right to elect to use paid accruals instead of receiving partial income replacement from ESD.