

Washington **Paid Family & Medical Leave**



Employment Security Department
WASHINGTON STATE

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What is WA Paid Family and Medical Leave?

Paid leave from work to care for yourself or a family member.

Applies to workers and their employers in Washington. Self-employed workers can also elect coverage.

Workers apply for and receive benefits from the state, not through their employer.

Passed with bipartisan support in 2017, premiums began in 2019, benefits in 2020.

Includes small business assistance grants.



Two-part eligibility



Hours worked

- 820 hours in the qualifying period (about the last year).
- At one employer or cumulatively.



Qualifying event

- Serious health condition (your own or a family member's).
- Birth or placement.
- Military events.

Family leave

- Care for a family member with a serious health condition.
- Bonding in the first year after the birth or placement of a child under 18, including adoption and foster parents.
- Military family leave.



Family defined

- 👍 Child (step, in-law)
- 👍 Grandchild
- 👍 Spouse/Domestic Partner
- 👍 Sibling (step)
- 👍 Parent (step, in-law)
 - Loco Parentis
 - Legal Guardian
- 👍 De Facto Parent
- Grandparent (in-law)

- 👍 Any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care*

*ESSB 5097, 2021 legislative session

Medical leave

- Time to receive treatment or recover from a serious health condition.
- Could include:
 - Cancer treatment
 - Dialysis
 - Chronic serious condition
 - Treatment for substance abuse
 - In-patient mental health care
 - Prenatal care



What's a "serious health condition"?



- Generally includes serious illnesses and injuries, chronic conditions and some substance abuse and mental health treatment.
- Defined in the law.
- Up to a healthcare provider to diagnose and certify.



- Generally does not include common cold, flu, earaches, upset stomach, headaches (other than migraines) and cosmetic treatments.

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FMLA and PFML now through Dec 31, 2025

Paid Family and Medical Leave is similar but entirely separate.



- Eligibility requirements are similar:
 - ER has 50 or more EEs,
 - EE has worked for their employer at least 12 months
 - EE has 1250 hours worked,
- It is possible to use both types of leave.
- Using FMLA does not diminish Paid Leave benefits.



Job protections under FMLA and Paid Family and Medical Leave are similar.

- Usually, can run concurrently when people are eligible for both.
- Health benefit continuation is required when there is at least one day of overlap of FMLA and PFML leave.

* ER = Employer
EE = Employee



PFML Job Protection effective Jan 1, 2026 (ESHB 1213)

PFML job protection requirements:

- EEs 180 calendar days worked for the employer.
- ER has 25 or more EEs
 - 2027, 15 or more EEs
 - 2028, 8 or more EEs.
- After the 14 day of leave, ERs must provide at least 5 days notice to EEs with the estimated expiration of job protection and expected return to work date
- ER can reduce PFML job protected leave based on prior usage of FMLA**
- Health benefit continuation on PFML



PFML Job Protection effective Jan 1, 2026 (ESHB 1213)

An ER can reduce PFML job protected leave based on usage of FMLA**:

- ER must provide a notification in writing to the EE within 5 business days of the initial request for FMLA or use of FMLA and monthly thereafter in the FMLA job protected 12-month period, the notice must include:
 - That the ER is counting FMLA usage against future PFML job protection.
 - The estimated time of the EEs job restoration expiring.
 - That use of FMLA does not affect PFML benefit eligibility.
 - The FMLA employer designated 12-month leave year.
- EE is guaranteed a maximum of 16 weeks of job protection in a 52-week period between the two programs before FMLA usage can be used to reduce PFML job protection.





PFML Job Protection effective Jan 1, 2026 (ESHB 1213)

Example, ER counts FMLA against PFML job protection:

- EE exhausts 10 weeks FMLA but does not apply for PFML.
- ER provides all required notices to EE.
- 8 months later, EE is approved for 12 weeks of PFML to bond with new baby.
- ER notifies EE that they will count prior 10 weeks of FMLA job protection against PFML job protection and provide notice that job protection is estimated to end after the EE claims their 6th week of PFML. (resulting in 16 weeks of total job protection.)



PFML Job Protection effective Jan 1, 2026 (ESHB 1213)

Health benefit continuation on PFML :

- All health benefits must continue while EE is on PFML unless:
 - EE was not employed by ER when the EE filed an application for benefits;
 - EE does not meet job protection requirements;
 - EE did not return to work the first scheduled workday after leave ends.





Thoughts / Questions?

[ESSHB 1213](#)

Rulemaking on this topic:
[Implementation of 2025
Legislation](#)

Get in touch to continue the conversation
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