



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

STATE HUMAN RESOURCES

HR Directive 25-02

Effective: January 1, 2026

Authorized: _____


WHO: Applies to all state agencies and higher education institutions

WHAT: Paid Family Medical Leave Employment Protection

PURPOSE:

The purpose of this Directive is to address the administration of the Washington State Paid Family Medical Leave (PFML) Act, specifically as it relates to employment protection for state agencies and higher education institutions in accordance with Engrossed Second Substitute House Bill 1213 (Chapter 304, Laws of 2025). Employment protections include job restoration and continuance of health benefits. This directive applies to represented and non-represented classified employees and exempt employees.

DETERMINATION OF THE DIRECTOR:

Definition of Employer

To ensure the administration of PFML is consistent for state employees, an employer has the same meaning as provided in WAC 357-01-145. WAC 357-01-145 defines employer as “a state agency, an institution of higher education, or a related higher education board.” State agencies, institutions of higher education, or related higher education boards are considered a single employer for purposes of administering PFML. The employer is the state of Washington.

Employer Size

[RCW 50A.35.010](#) Employment Protection, requires an employer to restore an employee to a position if the employee has worked for an employer with 25 or more employees beginning January 1, 2026, until December 31, 2026; 15 or more employees beginning January 1, 2027, until December 31, 2027; and eight or more employees beginning January 1, 2028, and thereafter; and began employment with the current employer at least 180 calendar days before

taking the leave. Employment with a state agency, an institution of higher education, or a related higher education board is considered a single employer for purposes of determining employee eligibility. The employer is the state of Washington.

For example, an employee who is employed by one agency/institution (any size) for 100 calendar days and then moves to another agency/institution (any size) for 80 calendar days would be entitled to job restoration because they spent 180 calendar days employed by the state of Washington before taking the leave.

PFML Employment Protection

To ensure consistent administration of PFML for state employees, state employers must not offset an employee's PFML employment protection period by leave previously taken under FMLA. While employers have the option under RCW 50A.35.010 to reduce an employee's PFML employment protection period by subtracting the time the employee is on FMLA, provided FMLA was taken no more than 52 weeks prior to taking PFML, the decision has been made to continue the practice of considering the state as one employer, and not offsetting an employee's PFML employment protection period by leave previously taken under FMLA.

For example, an employee receives 6 weeks of FMLA but does not receive PFML benefits for the same period. Six months later the employee is approved to take PFML for a qualifying condition. The employee has worked for the state of Washington for at least 180 calendar days making them eligible for PFML employment protections. A state employer does not offset the period of PFML employment protections by the time the employee received FMLA. As a result, the employee is entitled to employment protections for the entire time they receive PFML benefits.

REFERENCE:

WAC 357-01-145 Employer.

A state agency, an institution of higher education, or a related higher education board.

CONTACT:

State HR Rules

Rules@ofm.wa.gov

State HR Labor Relations

Labor.Relations@ofm.wa.gov