

Staff Senate General Meeting Minutes
January 15, 2020
12:00pm, Tahoma Room

Call to Order at 12:05, Roll Call, and Consider December 11, 2019 meeting minutes – approved unanimously

Attending: Ben Tucker, Sarah Johnson, Frank McNeilly, Jason Rotchstein, Tina McLeod, Carol Odland, Mike Pastore, Bridget Janson, Fred Creek, Jamie Spaine, Lee Ann Packard, Sabrina Shepard, Moe Stephens, Erin Ruff, Aubrey Shelton, Greg Pfeiffer, Jenee James, Jessica Hartenstine, Francisco Perez, Krista Johnson, Emily Mullins, Theresa Giddens, Landon Wade, Megan Gessel, Mushawn Knowles, Cindy Matern, Rachel Sizer-Williams, Kelli Delaney, Jake Nelko, Emily Holloway, Heather Bailey, Mary Powell, Matthew Dammes

Excused: Deborah Hope, Sage Haynes, Derek Beuning

Public Comment (5 minutes)

Justin Canny, Orientation: Needs help promoting orientation. Immersive experiences were implemented 2 years ago. Staff/Faculty are invited to propose an immersive experience/come up with a theme for the next orientation, with the staff/faculty being present for the immersive experience they propose/organize. Deadline for submission is mid-February. Stipends are available for staff/faculty that participate in the experience. The immersive experiences run Tuesday-Thursday of Orientation week. Each experience would have around 12 students to simplify transportation. There are currently 35 different groups. 59-62 groups are needed to keep each group at around 12 students.

Michelle Gretsch, Gender and Queer Studies: There will be an interest meeting in February for students that are interested in majoring in Gender and Queer studies, and staff/faculty are also invited. Women's League: the date of the 51st annual Flea market is Saturday, March 21. Proceeds go to student scholarships.

Officer and Committee Reports:

Office and Committee Reports are included as addendum in minutes

Chair, Ben Tucker

Vice Chair, Sarah Johnson

Secretary, Frank McNeilly

Treasurer, Heather Bailey

Compensation Committee Chair, Carol Odland

Elections and Governance Committee Chair, Tina McLeod

Amendment to the report: Nicole Kendrick has withdrawn her nomination and will consider joining senate after the spring semester.

Human Resources Policies and Practices Committee Chair, Landon Wade

Public Relations (PR) Committee Chair, Mike Pastore

Special Events Committee Chair, *vacant*

Staff Recognition Event Chair, Jason Rotchstein

ASUPS, Mushawn Knowles

Faculty Senate, Megan Gessel

Vote on curriculum before break to decide what direction the committee will go. CTF are going to be prioritizing curriculum core. Looking for a co-chair for the VP for Diversity/Inclusion search

Human Resources, Cindy Matern (Kenni)

Thank you for your patience in the open enrollment process. FSA cards will arrive in the mail shortly. Erin: working on summarizing 2019 numbers for upcoming presentation.

Old Business:

- Veteran's Day Development
Heather has been in communication with faculty members looking into how Puget Sound can do more to recognize Veteran's Day. Heather will update the senate when there are new developments. Jamie has suggested the idea that PS add Veteran's Day as a holiday for staff/faculty to do some kind of service in relation to Veteran's Day.
- Other Business

New Business:

- Change in how Officer and Committee Reports are shared at General Meetings
Will work to get ASUPS, Faculty and HR updates prior to general meetings to include in condensed reports
- Shared Day of Learning Update/Reflection
Tina: will we get surveyed about feedback for the Shared Day or Learning. Guest: If staff do not work with students much, how can those staff contribute more to student success?
Sabrina: it was disappointing that the Day of Learning was scheduled when most faculty were not present on campus. Emily Holloway: appreciated that she wasn't paired with people she worked with/knew. Lori: impressed with Ellen Peters' presentation. Listening and showing up are important to colleagues and students. Moe: the event felt like a direct response to our retention issues and the GCTWF survey. He would have liked to see more context setting for the event. More direction at the beginning of the event would have been helpful. Jamie: Ellen's presentation resonated with her.
- Appointment of new Staff Senators
Proposed Appointment: Sabrina Shepherd, Schedule & Event Manager in Facilities to fulfill 2019-2022 term as a South Campus senator, and for Sabrina to remain with her current committee assignment with the Human Resources Policies and Practices Committee.
- Other Business

Guest Presenters:

Copies of both the Human Resources and University Counsel's presentations are included as addendum's to the minutes

- Kenni Simons, Human Resources
Kenni presented on the new Washington FMLA law that is now available to use for staff members.
- Joanna Carey Cleveland, VP and University Counsel
Joanna presented about her role at Puget Sound. She started her position on January 30, 2019. The Office of the University Counsel is a newly added office at Puget Sound. The University Counsel focuses on 4 areas: University Counsel, Contracts, Enterprise Risk Management and Governance & Board Support. Joanna represents the university as legal counsel and not individuals who work at Puget Sound. The Office of the University Counsel has 53 areas of practice affiliated with the university. A copy of these areas or practice will be

included with these meeting minutes. Discussion occurred around the university alcohol policy. Discussion occurred about why Puget Sound didn't have its own legal counsel until recently.

Open Forum (As time allows)

Announcements

Meeting Adjourned at 1:27 p.m.

Staff Senate Committee Reports

January 15, 2020 General Senate Meeting

Chair Report Ben Tucker

The chair is working on the following efforts:

- Creating survey related to general meeting scheduling
- Working with VP of Finance and HR to determine best practices for supervisors in supporting staff service on Senate
- Reviewing Staff governance at peer institutions
- Create nomination tool for Trustee Committees

Topics of conversation with President Crawford

- Board Proposal for Staff Representation – we will need to nominate candidates for three Board Committees.
- Salary Compensation Policy –addressing language to ensure basic salary needs are met
- Taskforce to address promotion – it's a hard problem
- Improved managerial training for faculty supervisors of staff members
- Isiaah is excited about the Sawmill*

*The Sawmill is the newly added staff cheering section coordinated by the Staff Senate Public Relations Committee. For more information about The Sawmill, please email staffsenate@pugetsound.edu

Vice Chair Report

Sarah Johnson

I will be beginning work on creating 'Welcome Guests' cards which describe a little about Staff Senate, Senate agendas, Robert's rules and procedures, and further contact information. If there is anything that senators think should be included, or might be particularly helpful for guests, please contact me directly or at staffsenate.pugetsound.edu.

Thanks to Landon and Ben for volunteering to assist with the Day of Learning Student Success Workshop on Monday; as well as everyone who participated.

Secretary Report

Frank McNeilly

All of the 2019-2020 General Meeting and Executive Committee Meeting agendas and minutes are now posted on the Staff Senate website. The minutes for last week's Executive Committee meeting will be posted shortly.

Treasurer Report

Heather Bailey

There is currently \$892.62 in the general fund (including \$127.72 in donated funds) and \$609.28 in the Rosa Beth Gibson Book Scholarship fund

Compensation Committee Chair Report

Carol Odland

The committee will be meeting later this month to review our bylaws and suggest possible revisions, at the request of the E&G committee

The BTF report will be out this month and we look forward to reading it and seeing the presentation

Elections and Governance Committee Chair Report

Tina McLeod

Elections and Governance Committee – Tina McLeod (Chair), Derek Beuning, Moe Stephens, Rachel Sizer-Williams, Kelli Delaney, Emily Mullins, Sage Haynes

Committee met on January 8, 2020. Meeting notes will be posted soon in the Staff Senate shared drive: <V:\Staff Senate Information\Elections & Governance Committee\Elections & Governance Committee Meetings and Agenda>

Next meeting: Tuesday, February 4, 2020, 10am-11am, location TBA. Please join us.

Vacancies - Current total number of vacancies is 5.

The vacancies are as follows:

- 1 – South Campus (CICE, Communications, Facilities, Fieldhouse & Aquatics, Weyerhaeuser)
 - Proposed Appointment: Sabrina Shepherd, Schedule & Event Manager in Facilities to fulfill 2019-2022 term as a South Campus senator, and for Sabrina to remain with her current committee assignment with the Human Resources Policies and Practices Committee.
- 1 – North Campus (Howarth, Jones, McIntyre)
 - Proposed Appointment: Nicole Kendrick, Program Manager in Experiential Learning (office located in Howarth) to fulfill 2018-2021 term as a North Campus senator, and which assigned to the Special Events committee.
- 1 – West Campus (Harned, Library, Music, Thompson, Wyatt)
- 2 – At-Large Senators

Today, January 15, 2020, the Elections & Governance Committee will present the 2 staff members, as noted above, for appointment to Senate. The Committee verifies that each of these nominees meets eligibility in accordance with Staff Senate Bylaws and university practices.

2020 Elections – Per Bylaws, the election process is to be completed by March 30th. We will be seeking nominations before end of February, and voting will be complete by March 30.

Action Item(s) for Senators:

1. If you are an At-Large Senator or your term is expiring, please think about next steps. We will be asking you in February, if you would like to run for re-elections as long as you are still eligible, specifically that you have not served for a consecutive 6 years.
2. Think about fellow staff persons who you want to see on Staff Senate and start talking with them; and then nominate them when the process opens.

Bylaws Review – We are currently in bylaw review process. Bylaw review will not be complete before meeting the elections cycle as stated in Bylaws, so we will work on the two simultaneously. IF there are any proposed Bylaw changes regarding election process, it will not affect this year (2020) spring elections.

Items brought to the committee's attention so far are improved language regarding quorum and proxies, and concerns about the number of senate seats and how the seats are allocated, specifically regarding the fact of the imbalance of Area Senate Seats and At-Large Senate Seats, and the timing of elections and terms (currently Spring each year, one suggestion is to move to Fall elections with terms being for calendar years – January thru December versus May to May).

Please send your Bylaws questions, concerns, suggestions to the committee and/or staffsenate@pugetsound.edu.

Action Item(s) for Senators:

(1) We ask that when each of the committees meet within the next month, that Bylaws be an agenda item and then please summarize your suggestions/questions/etc and send to the Staff Senate email, staffsenate@pugetsound.edu or to Elections & Governance Chair Christina (Tina) McLeod, clmcleod@pugetsound.edu.

Human Resources Policies and Practices Committee Chair Report Landon Wade

Definitions of “key personnel” and “emergency” in campus closure policies have been referred to HR for review

Clarification of compliance hotline and bonus/floating holidays can be used in hour increments, not just an entire day

Plans for review of retirement benefits for staff and faculty

Public Relations Committee Chair Report

Mike Pastore

Although the women's basketball team lost in the final seconds, I would still like to consider the first meeting of the Sawmill a success. As a reminder, The Sawmill is a staff cheering section for our athletic teams. There were 15 people in Sawmill attendance ranging from babies to retirees. A special thanks to Jenee James for the special announcement over the loud speaker welcoming The Sawmill to the game. No updates to report on ½ price hotdogs, but these things take time.

The next meeting of the Sawmill is 6:00pm on Jan 14th if you happen to be reading this message prior to the general meeting. The Women's Basketball team is taking on non-Tacoma rival although they say otherwise PLU.

After that, Women's and Men's Swimming also against PLU on February 1st @ 1:00PM.

Staff Recognition Event Chair

Jason Rotchstein

I am organizing the first planning meeting for the Staff Recognition Event and will be meeting with the other committee chairs in the coming weeks to discuss their roles in managing the Excellence in Action awards and soliciting prizes for the event. As a reminder, the event will be held on Friday, May 22 in Memorial Fieldhouse and the theme is Game Night. If anyone wishes to serve on the planning committee, please contact me.





Office of University Counsel

Areas of Practice

1. Academic Programs
2. Admissions
3. Associated Entities/Affiliated Entities
4. Athletics
5. Business Transactions/Financial Matters
6. Campus & Affiliate Shared Legal Services
7. Campus Security
8. Civil Rights (including ADA, ADEA, Title VI, Title VII, Title IX, EO 11246/VEVRAA)
9. Clery Act
10. Conflicts of Interest/Ethics
11. Constitutional Law (including First Amendment, Due Process, etc.)
12. Contracts (employment/coach/athletic director)
13. Contracts (research contracts/grants)
14. Contracts (technology, IT)
15. Contracts (IP licensing)
16. Contracts (Professional services/consulting)
17. Contracts (Real estate including leases)
18. Contracts (Insurance and benefits)
19. Contracts (Outside speakers/performers)
20. Copyright
21. Criminal Law
22. Development/Endowment/Trust Funds
23. Employee Benefits
24. Environmental Health/Safety/OSHA/L&I
25. Equal Opportunity
26. FERPA

Office of University Counsel
Areas of Practice

27. Finance
28. Financial Aid
29. Foundations and Nonprofits
30. Governance (including compliance and reporting), policy development, and (*very occasionally*) govt. relations
31. Grant Reporting
32. Healthcare
33. Human Resources & Employment (faculty and nonfaculty)
34. Information Technology, Data Security
35. Insurance/Risk Management
36. Intellectual Property
37. Internal Audit
38. International
39. Investigations
40. Litigation Management –
41. Outside counsel (Bankruptcy, Bond Counsel, Immigration, Litigation, etc.)
42. Procurement
43. Real Property Matters (including leasing)
44. Records Retention and Archiving
45. Research and Sponsored Programs (including research compliance)
46. Residence Classification
47. Student Affairs
48. Tax
49. Technology Transfer
50. Technology-Based Learning & Innovation
51. Trademark
52. Tuition and Fees
53. Waivers/Releases

Your Paid Family and Medical Leave Application Checklist

Use this checklist to help you gather the information and take the steps you need to apply for paid leave.

FOR ALL LEAVE:

- ☐ **Give your employer at least 30 days written notice, when possible, and save a copy.**
- ☐ **Have Proof of ID ready.**
The state accepts many kinds of documents as proof of identity. The full list is available on the website, and includes:
 - Driver's license
 - Passport
 - Utility bill (phone, electric, etc.)
 - Paycheck or pay stub

FOR MEDICAL, FAMILY, AND MILITARY LEAVE:

- ☐ **Medical leave:**
 - Certification of Serious Health Condition form or
 - Family Medical Leave Act paperwork
- ☐ **Leave to care for a family member:**
 - The family member's Certification of Serious Health Condition form or
 - The family member's Family Medical Leave Act paperwork
- ☐ **Military family leave:**
 - Active duty orders or other formal military documentation

FOR PARENTAL LEAVE:

Proof of birth, foster placement or adoption isn't required for applications to be approved. If we have a question about your application we may need to ask you to provide some documentation.

Your Paid Family and Medical Leave Checklist

Paid Family and Medical Leave is here for you when you need it most. If you have questions about how the benefit works, check out our Benefit Guide. And when you're ready to apply, use this checklist to help you gather the information and take the steps you need to apply for paid leave:

FOR ALL LEAVE:

- ☐ **Give your employer written notice and save a copy.**
 - If you know you'll be taking leave ahead of time, give written notice to your employer at least 30 days before leave starts.
 - If you need paid leave unexpectedly, notify your employer in writing as soon as you know you will need leave.
 - This can be an email, letter or text. Make sure to save a copy.
- ☐ **Have Proof of ID ready:**

The state accepts many kinds of documents as proof of identity. The full list is available on the website, and includes:

 - Driver's license
 - Passport
 - Utility bill (phone, electric, etc.)
 - Paycheck or pay stub

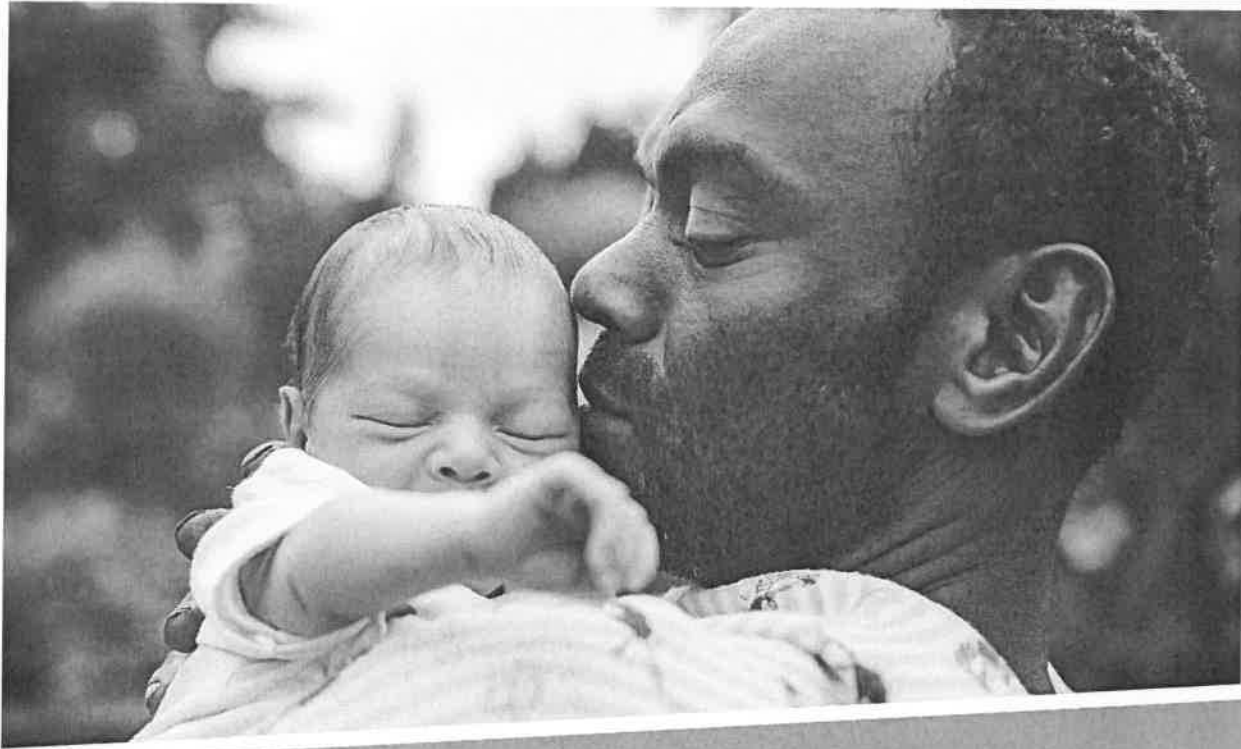
You'll also need to submit specific documents when you apply, depending on the reason you are taking paid leave.

FOR PARENTAL LEAVE:

Proof of birth, foster placement or adoption isn't required for applications to be approved. If we have a question about your application we may need to ask you to provide some documentation.

FOR MEDICAL, FAMILY, and MILITARY LEAVE:

- ☐ **MEDICAL LEAVE — If you are taking leave for yourself, you'll need:**
 - Certification of Serious Health Condition form or
 - Family Medical Leave Act paperwork
- ☐ **LEAVE TO CARE FOR A FAMILY MEMBER — If you are taking leave to care for a family member, you'll need:**
 - The family member's Certification of Serious Health Condition form or
 - The family members' Family Medical Leave Act paperwork
- ☐ **MILITARY FAMILY LEAVE — If you are taking leave to spend time with a family member because of a military deployment or event, you'll need:**
 - Active duty orders or other formal military documentation



Parents' Guide

to Paid Family and Medical Leave

Paid time off when you need it most.
Here for you, starting January 2020.

What you need to know

Am I eligible?

Paid Family and Medical Leave is available to almost everyone working in Washington. To be eligible you:

1. Have worked 820 hours (about 16 hours a week) in Washington during the qualifying period, which is about the last year.
2. Experienced a qualifying event.

How much time do I get?

- All parents can receive up to 12 weeks of bonding leave in the first year after your child's birth or placement.
- If you give birth you can be eligible for up to 16 weeks of combined medical and family leave.
- Up to 18 weeks is available if you experience a complication in pregnancy that results in incapacity, like being put on bedrest due to a serious health condition.

What benefit do I receive?

You may receive up to 90 percent of your average weekly wage, depending on your income. The amount is capped at \$1,000 per week. A benefit calculator will be available on our website by January 2020.

How do I apply?

You apply for leave with the Employment Security Department after Jan. 1, 2020. You do need to notify your employer at least 30 days in advance of planned leave. If a birth came early or you developed a pregnancy complication, notify your employer(s) as soon as you are able.

Do I have to use other leave first?

Taking Paid Family and Medical Leave is entirely up to you. There is no requirement to use Paid Family and Medical Leave before other paid time off you might have, like paid sick days or vacation leave.

A new child came into my family in 2019, can I apply?

Yes! You have 12 months from the date of your child's birth, adoption or placement to take your paid leave, even if it happened in 2019.

Your child was

<i>Adopted Feb. 1, 2019</i>	You can take leave Jan. 1 – Jan. 31, 2020.
<i>Placed May 25, 2019</i>	You can take your full 12 weeks of leave any time before May 25, 2020.
<i>Born Dec. 22, 2019</i>	You can first take up to four weeks of medical leave (with healthcare provider certification), and then take your 12 weeks of bonding leave.

Qualifying events

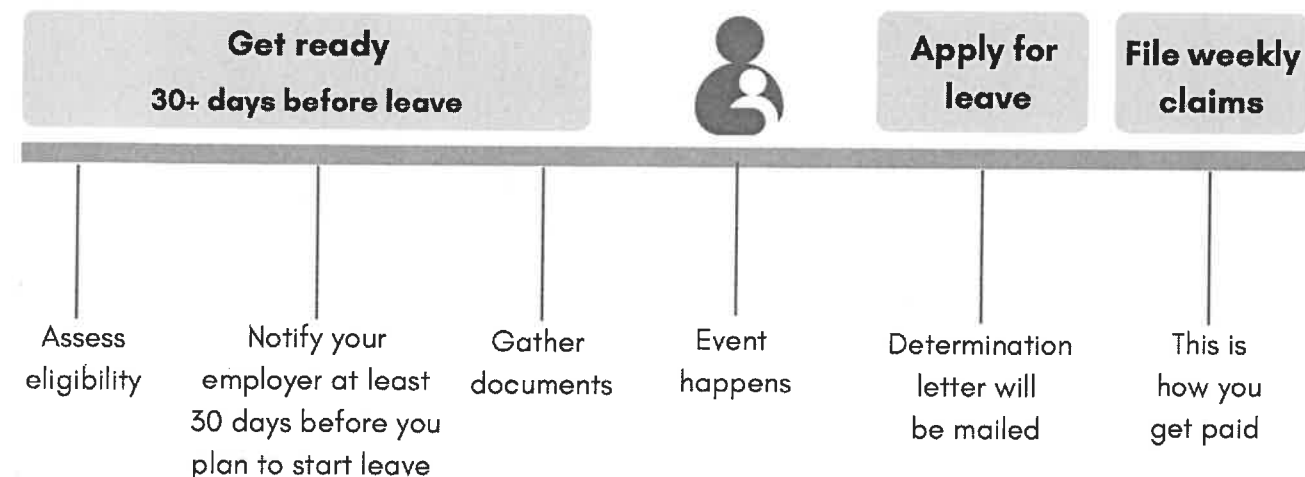
Family leave

- 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 from your own serious health condition or injury

Application process



Get ready to apply

Assess eligibility.

Use the questionnaire on page 6.

Provide written notice to your employer at least 30 days before you plan to start leave. If a birth came early or you develop a pregnancy complication, provide written notice as soon as you are able.

Notice can be provided in various ways, including text or email. You can also download a template notification on our website www.paidleave.wa.gov/2019. It is always a good idea to retain a copy for your records.

Get your documents ready

- Proof of ID, including a driver's license, passport or utility and phone bills (a complete list of documents is available at www.paidleave.wa.gov/2019).
- Certification of a Serious Health Condition (for example, if you are taking medical leave before you take bonding leave to recover from childbirth or pregnancy-related complications).

Apply for leave after your child is born or placed.

You do not need to provide documentation to prove birth, adoption or placement to be approved for bonding leave. We may ask for it if we have a question about your application.

Video tutorials and instructions will be posted to our website before applications become available in January 2020.

Apply for leave

After January 1, 2020, you can apply. Here is what you will do:

Create account(s)

- Go to www.paidleave.wa.gov. From our website you will be directed to the state's log-in service, SecureAccess Washington (www.secureaccess.wa.gov). 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.)
- You will then create a Paid Family and Medical Leave account.

Fill in the application

- Be sure to upload your proof of ID document(s) and Certification of Serious Health Condition, if applicable, to complete the application.
- Please note: 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.

Upload documents

- Proof of ID documents
- Certification of a Serious Health Condition (if applicable)

Get your determination

- Once your application is submitted and you've provided the necessary documents, we will review your application and then mail you a determination letter at the mailing address you gave us.
 - If approved, this letter will provide a maximum weekly benefit amount you may receive and confirm the dates of your approved leave and claim year.
 - We may contact you if we have questions about your application.

What is in the application?

- Basic information about yourself (full name, date of birth, address, contact information, Social Security Number or Individual Taxpayer Identification Number).
- Verification of your employment history.
- The date you notified your employer about your planned leave.
- What type of leave you're taking (family or medical).

Important tip!

Doublecheck your name and your SSN/ITIN before finalizing your account creation and application.

Can't apply online? You can also apply on paper via postal mail. Request an application from our Customer Care Team after Jan. 1, 2020.

File a weekly claim

- Weekly claims are how you receive your pay. After you receive your determination letter in the mail and have been approved you can begin filing weekly claims.
- You can file these online or by calling each week. You may go up to four weeks without filing and receive those payments retroactively.
 - Each week, we will ask you if anything has changed about the length of leave or your qualifying event, and if you worked during the past week.
 - If you worked or claimed other benefits, like employer provided paid time off, we may prorate your payment 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.

Providing complete and accurate information will help us process your application and weekly claims faster.

More to know

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.

Parents and guardians do not have to take leave at the same time, and leave does not need to be taken all at once (you can take a minimum of eight consecutive hours per week). For example: a non-birth parent may want to take four weeks off right after a child is born, and then use the remaining eight weeks after the birth parent returns to work.

Parental leave can be taken 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 any children under the age of 18.

You may be eligible for job protection. If you work for a company that employs more than 50 people in Washington, you have worked there for at least a year and for a total of 1,250 hours in the past year for that employer (about 24 hours per week), you are likely eligible for job protection.

**It's yours –
you've earned it.**

Even if you took leave in 2019, you can still use Paid Family and Medical Leave in 2020. Use of other paid or unpaid leave in 2019 doesn't limit your ability to take Paid Family and Medical Leave in 2020 (including using FMLA). You still must meet the eligibility requirements for the program however, and depending on how much time you took off you may not be eligible for job protection.

Using this program is your choice. It is yours – you earned it. While you are welcome to use other leave options you may have before or after you take Paid Family and Medical Leave, your employer cannot require you to use other leave options before Paid Family and Medical Leave.

Check with your employer if they offer a "supplemental benefit." You cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless your employer offers what is called "a supplemental benefit." Supplemental benefits are something an employer may choose to offer that can be used along with Paid Family and Medical Leave to provide additional pay while you are receiving the benefit. Ask your employer if this option is available to you.

This is not the same as paid sick leave. Paid sick days are for short-term health conditions that keep you from working, typically for less than a week. For more information on paid sick leave, visit www.lni.wa.gov/workers-rights/leave/paid-sick-leave

Applying for medical and then family leave after giving birth? If you are applying for both medical and family leave following the birth of a child, you will need to file separately for medical and family leave. In January, a second claim can only be filed via paper application. We still encourage you to set up your account and file your first claim online.

Find frequently asked questions and more information at www.paidleave.wa.gov.

www.paidleave.wa.gov

Should you apply? Answer these questions

Yes No

1. ☐ ☐ Did you work at least 820 hours (about 16 hours a week) in the last year in Washington state? (The 820 hours can be for one job or multiple jobs)

2. ☐ ☐ Have you experienced a "qualifying event"? Events include:
 - Welcoming a new child into your family through birth, adoption or foster placement;
 - Your own serious health condition or illness, like recovering from surgery or a serious injury;
 - Caring for a seriously ill or injured family member;
 - A qualifying military family leave event.

3. ☐ ☐ None of these conditions apply to me:
 - Solely employed by the federal government
 - Working for an employer with an approved voluntary plan (if you are unsure, ask your employer)
 - Covered by a collective bargaining agreement that hasn't expired, been opened or renegotiated since October 19, 2017
 - Self-employed and have not opted in to Paid Family and Medical Leave
 - Solely employed by a federally recognized tribe that has not opted in to Paid Family and Medical Leave

If you answered "Yes" to each of these, you likely will qualify for the program.

For applicants in January 2020 only: Only three quarters' worth of hours will have been reported for you by your employer(s), as reporting for 2019 Q4 ends Jan. 31, 2020. This means if you do not have enough hours reported by your employer(s) to establish eligibility we may contact your employer(s) and you to verify total hours.

The next update to this guide is expected to be made:

January 2020

www.paidleave.wa.gov

Washington
**Paid Family &
Medical Leave**



Benefit Guide

Washington's Paid Family & Medical Leave Program

Here for you.



Employment Security Department
WASHINGTON STATE

January 2020

www.paidleave.wa.gov

Contents

About the program	3
About this guide	3
Update schedule	3
Stay informed	3
What you need to know	4
Qualifying events	4
Qualifying family members	4
Payments	5
Employer involvement (notifications and job protection)	6
Interaction with other types of leave	7
Events in 2019	8
Benefit decisions, appeals, and changes to your claim	8
Complaints	9
Fraud	9
How to apply	10
Get ready to apply	10
Apply	11
File a weekly claim	12
More to know about taking leave for a child's birth, placement or adoption	12
More to know about taking family leave and medical leave	12
Definitions	13
Qualifying period	13
Qualifying event	13
Serious health condition	13
Typical workweek hours	13
Claim year	13
Supplemental benefit	13
More about how benefits are calculated	14
Contact the Customer Care Team	14
Change log	14

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 require 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 Washingtonians paid time off when they need it most.

**It's yours –
you've earned it.**

About this guide

What it is: This guide is intended to help you prepare for and use the new Paid Family and Medical Leave program, as well as understand your rights and responsibilities.

Definitions: There are some terms and phrases in here that might need more explanation, so 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. This guide will be updated to reflect the most current information available. Our next anticipated update is below, however dates are subject to change based on program development and rulemaking.

To make sure you have the most recent version of this guide, go to paidleave.wa.gov/benefit-guide, or call our Customer Care Team. The version number and date the guide was last updated can be found on the bottom of each page.

Update schedule

Next update is planned for: January 2020

Stay informed

1. Explore our website (paidleave.wa.gov).
2. Connect with us. Sign up for our listserv (bit.ly/paidleavelist) and 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 are able to receive the benefit when you:

1. Have 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, which means all the reportable hours you work in Washington count toward eligibility, even if you work multiple jobs or switch employers.

Are there exemptions?

- Hours worked for the federal government, a federally recognized tribe or in self-employment, including as an independent contractor, do not automatically count for Paid Family and Medical Leave. Tribes and self-employed individuals may opt-in to the program (paidleave.wa.gov/elective-coverage).
- If you work for an employer with an approved voluntary plan you may also 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 have been approved by Employment Security and are operated by your employer. The benefits must meet or exceed those available under the state plan, but you work the leave out with your employer rather than the Employment Security Department. If you are unsure if you are covered by a voluntary plan, ask your employer.
- If you are covered by a collective bargaining agreement that hasn't expired, been reopened, or 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 are able to 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.
- Up to 18 weeks if you experience a complication in pregnancy that results in incapacity, like being put on bedrest due to a serious health condition.
- Leave can be taken intermittently, as long as you are on leave for a minimum of eight consecutive hours each week.

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 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" on page 13.

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, including recovery from childbirth.

Qualifying family members

- Spouse
- Domestic partner
- Children (including step and foster)
- Grandchildren
- Siblings
- Parents (including in-law and in loco parentis)
- Grandparents

How do I apply?

You apply for benefits with the Employment Security Department starting Jan. 2, 2020 (benefits are payable from Jan. 1, 2020). You can apply online (paidleave.wa.gov/apply-now) or with a paper application.

When should I apply?

Submit your application after your qualifying event has taken place, for example, after you've had surgery. If you know in advance of the qualifying event that you'll need paid leave, like if 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.

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 do I have to do while on leave?

You will file weekly claims with us while on leave. You will need to report any hours you have worked, or paid time off received during each week of leave that is not considered a "supplemental benefit" (see page 13 for more information on supplemental benefits). It is your responsibility to accurately report this information. You may file up to four weekly claims at a time, and this can be done online or over the phone.

Can I backdate my claim?

You can backdate your claim for a "good cause" reason. This means you were prevented from applying for Paid Family and Medical Leave immediately after your event. A "good cause" reason can be the result of a serious health condition, a period of incapacity or because of 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 as to why you need to backdate your claim. Claims cannot be backdated prior to Jan. 1, 2020 when the law took effect.

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 \$1,000 per week 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(s) have been reporting how many hours you've worked and the wages you earned since Jan. 1, 2019. 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.

During the online application process, you'll be able to see what your employer(s) reported for you. If you believe your employer(s) did not report all of your wages and hours, you may request a redetermination from the Department once we have made the initial benefit determination. We will ask your employer for more information. If you are applying on paper, follow the instructions that come with your paper application.

See page 14 for more on how benefits are determined.

Will I always receive the same amount?

If nothing changes about your weekly claim, your weekly benefit will not change. However, 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 on supplemental benefits, see page 13.

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 not foreseeable, 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 on supplemental benefits, see page 13.

What notifications will my employer(s) receive?

Your current employer(s) will receive two notifications from us. The first is when you initially apply for benefits – your employer will have 18 days to contest your claim after receiving this notice. Examples of why your employer may contest your claim include if they feel you are not qualified to take the benefit or if you did not give them proper notice. It is important to give your employer at least 30 days' written notice when your leave is foreseeable. We will not hold up payment of your benefits during the contest period. This first notice will include:

- Your name
- Last four digits of your Social Security Number
- Your Paid Family and Medical Leave customer ID number
- Dates you expect to be out on leave
- The date you provided your employer notice, or if no notice was given

The second notification will let your employer know if you were approved or denied for benefits. This will include:

- Your name
- Last four digits of your Social Security Number
- Your Paid Family and Medical Leave customer ID number
- Whether you were denied or approved for benefits
- If your claim was approved: your leave start date, and the leave end date (if known)

Is my job protected while I am on leave?

You may be eligible for job protection. 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 for at least 1,250 hours in the year immediately preceding leave, your job is

likely protected. 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.

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

The department is continuing to develop administrative rules around this topic and will have more information soon. 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 some of the health insurance premium, your employer can require that you continue to pay your share.

Guidance around the continuation of health care coverage will be provided in the near future.

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. It is important to note that Paid Family and Medical Leave and FMLA can usually run concurrently too, 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 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 "File a weekly claim" section on page 12 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 cannot require you to use Paid Family and Medical Leave before or after other paid or unpaid time off you might have, like paid sick days or vacation leave. Taking Paid Family and Medical Leave is entirely up to you.

Paid Family and Medical Leave vs. FMLA

Examples of differences

Paid Family and Medical Leave

- Is a state program just 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 under FMLA and Paid Family and Medical Leave is similar. This leave will usually run concurrently when people are eligible for both. See the question about job protection on page 6 for more.

Events in 2019

A new child came into my family in 2019, can I apply?

Yes! You have 12 months from the date of your child's birth, adoption or placement to take your paid leave, even if the event happened in 2019. Here are some examples of how you can take leave for events that occurred in 2019:

- **Your child was born February 1, 2019.** You qualify for paid family leave from Jan. 1 – Jan. 31, 2020.
- **Your child was adopted on May 25, 2019.** You can apply for benefits and take your full 12 weeks of family leave any time before May 25, 2020.

I had a medical event in 2019. Am I still eligible for benefits?

If your qualifying event happened in 2019, you may be eligible for the program if you still have a medical reason to be on leave. For example, if you had surgery in December 2019 and are still incapacitated, you can apply for benefits in 2020 with a healthcare provider's medical certification.

For applicants in January 2020 only

Your employer will not finish reporting your hours worked from Oct. 1-Dec. 31, 2019 until the end of January 2020. This means if you do not have enough hours reported by your employer(s) to establish eligibility in January, we may contact your employer(s) and you to verify the total hours you worked in 2019.

Benefit decisions, appeals, and changes to your claim

What if I disagree with my decision letter?

If you disagree with your weekly benefit amount or the number of hours you worked, you will need to request a redetermination from the Department. As part of the redetermination process, we may ask you to provide us with proof of hours worked and wages earned. If you still disagree with the redetermination decision, you may file an appeal of the redetermination. There will be instructions on decision letters to inform you of the next steps if you disagree with any decision.

If you disagree with any other decision, there will be instructions in the decision letter to inform you of your next steps.

What if I am overpaid?

If we send you a decision that informs you that you were paid benefits you are not entitled to, you will need to pay them back. We will send an overpayment assessment to you that lists the amount and reason for the overpayment. This amount may be deducted from future benefits, repaid or waived at the discretion of the Employment Security Department. If you disagree with an overpayment assessment, you may file an appeal.

What if I need to cancel my claim?

If a payment has not been issued, you may cancel your claim within 30 days of the date you submitted an application for benefits. You may not cancel a claim if the Department has already issued a payment on the claim. If you have been paid, the Department will cancel your claim only if we made an error in paying you. Contact the Customer Care Team if you wish to cancel your claim.

What if I need to take leave for multiple events in the same claim year?

If you have multiple qualifying events in your claim year, you must email or call the Customer Care Team to "reopen" your claim. You may need to provide us with additional information to be approved for another claim, like a medical certification if it is a new serious health condition. The ability to file a second claim online will be available later in 2020.

For example, you have a baby on Dec. 22, 2019. You apply for, and take, four weeks of medical leave after Jan. 1, 2020 to continue your recovery. You can then take up to 12 weeks of family leave to bond with your new baby – this is considered your second qualifying event. You do not need to reapply, but you will need to call or email the Customer Care Team and request that they extend your leave for your second event. Remember, you must notify your employer at least 30 days before you plan to use Paid Family and Medical Leave whenever possible, and you may be required by your employer to report to them the status and intention of your return to work.

Do I need to be employed to take Paid Family and Medical Leave?

No. As long as you have worked enough hours in the qualifying period, you can use Paid Family and Medical Leave. You cannot, however, claim Unemployment Insurance or workers' compensation benefits and Paid Family and Medical Leave at the same time.

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 paid family or medical leave benefits, or
- discharged you or discriminated against you for applying for or receiving paid family or medical leave benefits.

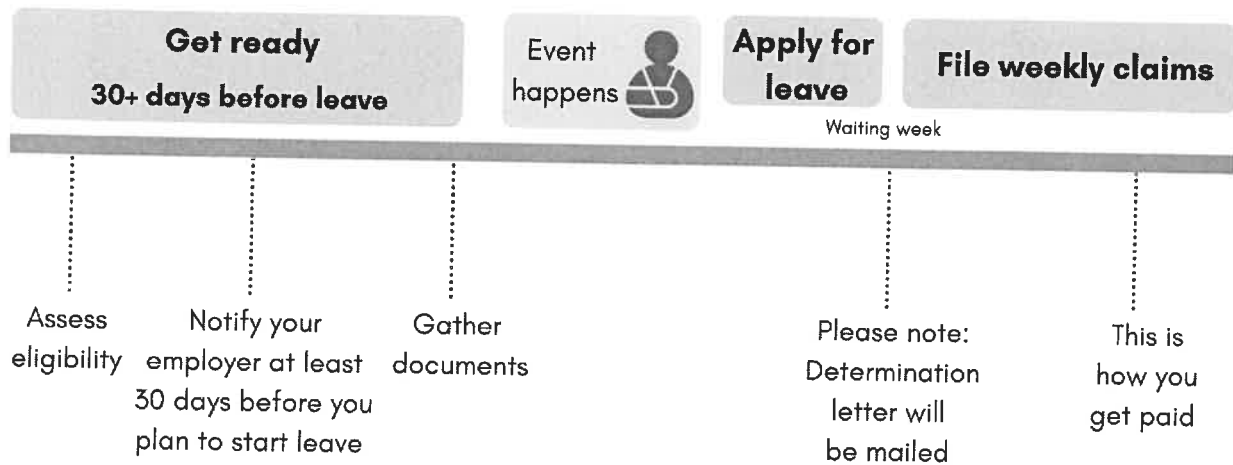
We will make a decision on whether your employer acted unlawfully. Your employer may be liable for damages, and you may have other rights like job restoration. You can file a complaint with the Department by calling or emailing the Customer Care Team.

You may also contact the Office of the Paid Family and Medical Leave Ombuds. The Ombuds is appointed by the governor and serves as a neutral, independent third-party to help workers and employers in their dealings with the Department. The Office of the Ombuds investigates, reports on and helps settle complaints about service deficiencies and concerns with the Paid Family and Medical Leave 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 in an effort to receive benefits from Paid Family and Medical Leave that you would not be entitled to under RCW 50A.15.060. If you are found to have committed fraud, you may be disqualified from receiving benefits for a period of time and have additional penalties on overpayments associated with fraud.

How to apply



- If you are applying for family leave to bond with a child, you do not have a waiting week.
- If your leave is unforeseen, for example you get in an accident or you go into early labor, notify your employer as soon as possible.

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 that will help you determine if you may be eligible (paidleave.wa.gov/quiz).

Provide written notice to your employer at least 30 days before you plan to start leave. If your leave was not foreseeable, provide written notice as soon as you are able. Notice can be provided in various ways, including text or email. You can also download a template notification at paidleave.wa.gov/get-ready-to-apply. It is always a good idea to retain a copy for your records.

Get your documents ready

- **Proof of ID:** Accepted forms of identification include a copy of your driver's license, passport or utility and phone bills (a complete list of documents is available at paidleave.wa.gov/get-ready-to-apply).
- **For medical leave:** Certification of a Serious Health Condition form, FMLA paperwork or other documentation that meets the requirements. Medical certification documents need to be signed by a doctor or qualifying healthcare provider. (It can sometimes take two weeks or more for your doctor's office to process this paperwork, so be sure to submit it to them as soon as possible.)
- **For military family leave:** Documentation that shows eligibility for military family leave, like active duty orders.

You do not need to provide documentation to prove birth, adoption or placement to be approved for family bonding leave unless the Department requests proof. We may ask for additional information for any claim if we have a question about your application.

Apply for leave after your qualifying event has taken place.

APPLY

You can apply starting Jan. 2, 2020 (benefits are payable from Jan. 1, 2020). Here is what you will do:

Create account(s)

- Go to paidleave.wa.gov/apply-now. From our website you will be directed to the state's log-in service, SecureAccess Washington (secureaccess.wa.gov). 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.

Fill in the application

- You'll provide basic information and verify your employment history.
- A paper application is available if you do not have a Social Security Number.
- Remember: Your employer will also be notified by mail when you apply. See page 6 for more details.

Upload documents

- Proof of identification documents
- Certification of a Serious Health Condition (if applicable)
- Military family leave documents (if applicable)

Get your determination

- Once your application is submitted and you've provided the necessary documents, we will review your application and then mail you a determination letter at the mailing address you gave us.
 - If approved, this letter will provide a maximum weekly benefit amount you may receive and confirm the dates of your approved leave and claim year.
 - We may contact you if we have questions about your application.

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 planned leave.
- What type of leave you're taking (family or medical).

Important tip!

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

Waiting week

- Your "waiting week" is the first week you are approved to file a weekly claim and you will not be paid for that week (this does not apply to parental bonding leave). Claim weeks always start on Sunday and end the following Saturday. In order 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.
- The waiting week is required by law for all types of leave except parental bonding leave. 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 are able to begin filing weekly claims, that first week still counts as your waiting week.
 - For example, say your paid family or medical leave start date is Jan. 13, 2020, and you receive your approval letter on Jan. 22, 2020. The first week of your approved leave is your waiting week, so the first week you can claim is the week beginning on Sunday, Jan. 19, 2020.

FILE A WEEKLY CLAIM

- Weekly claims are how you receive your pay. Once your claim is approved you can begin filing weekly claims. Claims can also be filed for weeks you were on leave after your qualifying event occurred but before your application was approved. 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 page 5 for more on backdating).
- You can file weekly claims online or by calling each week. You may go up to four weeks without filing and receive those payments retroactively.
 - Each week, we will ask you if anything has changed about the length of leave or your qualifying event, and if you worked or received paid time off from your employer during the past week.
 - 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.
 - You cannot collect Unemployment Insurance or workers' compensation benefits at the same time as Paid Family and Medical Leave.
 - If you go four weeks without filing, your claim will become inactive and you'll have to take additional steps to restart your claim.
- 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.
- 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.
- The minimum claim for each week is eight consecutive hours.

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: a non-birth parent may want to take four weeks off right after a child is born, and then use the remaining eight weeks after the birth parent returns to work.

Parental leave can be taken 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.

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.

Definitions

Qualifying period

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.

Qualifying event

A qualifying event is the 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. 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.

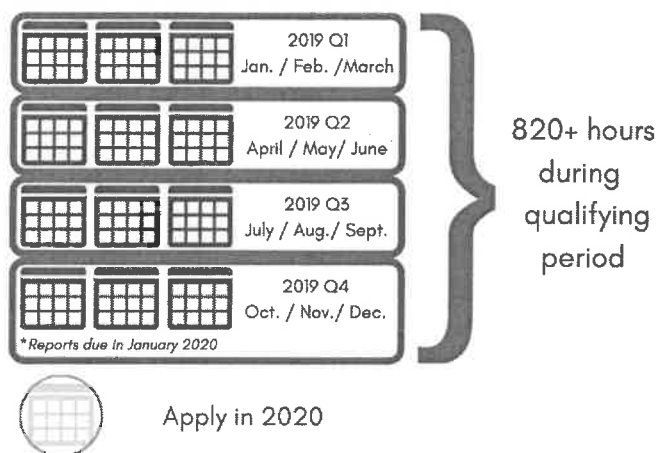
Claim year

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. 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.

Example of a qualifying period



More about how benefits are calculated

When you apply for benefits, we review the wages your employer(s) reported you earned 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.

Please note: Benefit payments may be taxable. Please consult a tax professional to understand the implications and your obligations.

Contact the Customer Care Team

Website: paidleave.wa.gov

Email: paidleave@esd.wa.gov

Phone: 833-717-CARE (2273)

Change log

January 3, 2020

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





Patient and Family Guide

to Paid Family and Medical Leave

Paid time off when you need it most.
Here for you, starting January 2020.

What you need to know

Am I eligible?

Paid Family and Medical Leave is available to almost everyone working in Washington. To be eligible you:

1. Have worked 820 hours (about 16 hours a week) in Washington during the qualifying period, which is about the last year.
2. Experienced a qualifying event.

How much time do I get?

You can receive up to 12 weeks of medical leave to recover after an illness or injury, or family leave to take care of a qualifying family member who is ill or injured.

You can take up to 16 weeks of combined medical and family leave if you have events covered by both in the same year.

Up to 18 weeks is available if you experience a complication in pregnancy that results in incapacity, like being put on bedrest due to a serious health condition.

What benefit do I receive?

You may receive up to 90 percent of your average weekly wage, depending on your income. The amount is capped at \$1,000 per week. A benefit calculator will be available on our website by January 2020.

How do I apply?

You apply for leave with the Employment Security Department after Jan. 1, 2020. You do need to notify your employer at least 30 days in advance of planned leave. If the leave is not foreseeable, provide as much notice as you can.

Do I have to use other leave first?

Taking Paid Family and Medical Leave is entirely up to you. There is no requirement to use Paid Family and Medical Leave before other paid time off you might have, like paid sick days or vacation leave.

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 have a family member with a serious health condition who needs 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 your family member's healthcare provider.
- Apply for Paid Family and Medical Leave at www.paidleave.wa.gov

Qualifying events

Medical leave (for yourself)

- Recovery from your own serious health condition or injury, including pregnancy and childbirth.

Family leave

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

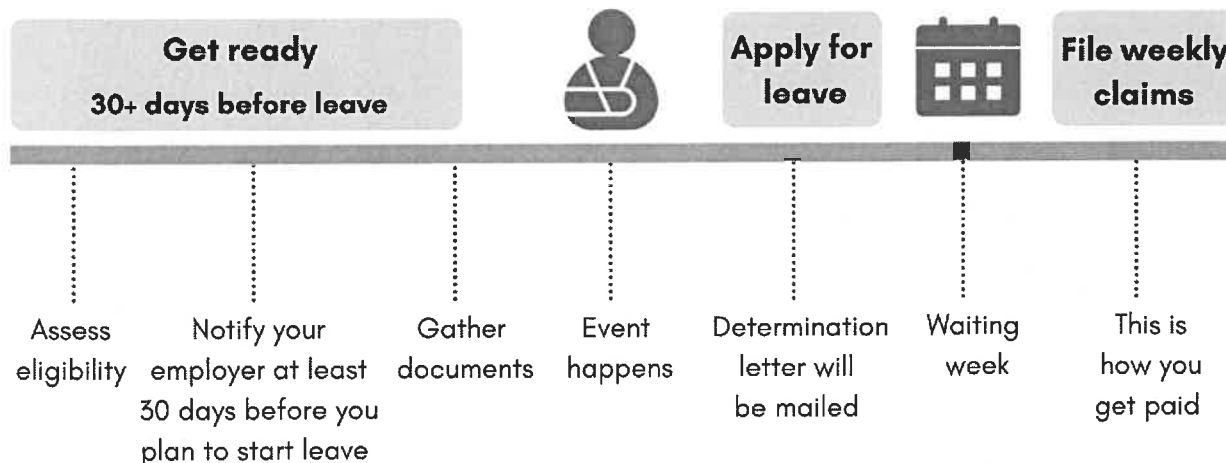
You can take leave for

- Yourself

Or a family member:

- Spouse
- Domestic partner
- Children (including step and foster)
- Grandchildren
- Siblings
- Parents (including in-law and loco parentis)
- Grandparents

Application process



Get ready to apply

Assess eligibility.

Use the questionnaire on page 6.

Provide written notice to your employer at least 30 days before you plan to start leave. Provide notice as soon as you are able to if the leave is not planned. Notice can be provided in various ways, including text or email. You can also download a template notification on our website www.paidleave.wa.gov/2019. It is always a good idea to retain a copy for your records.

Get your documents ready

- Proof of ID, including a driver's license, passport or utility and phone bills (a complete list of documents is available at www.paidleave.wa.gov/2019).
- Certification of a Serious Health Condition form, FMLA paperwork or other documentation that meets the requirements. This needs to be signed by a doctor or qualifying medical provider. (It can sometimes take two weeks or more for your doctor's office to process this paperwork, so be sure to submit it as soon as possible.)

Don't apply for leave until after your medical event has taken place.

Go to www.paidleave.wa.gov/2019 for a complete list of documents and to download the Certification of a Serious Health Condition form.

Video tutorials and instructions will be posted to our website before applications become available in January 2020.

Apply for leave

After January 1, 2020, you can apply. Here is what you will do:

Create account(s)

- Go to www.paidleave.wa.gov. From our website you will be directed to the state's log-in service, SecureAccess Washington (www.secureaccess.wa.gov). 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.)
- You will then create a Paid Family and Medical Leave account.

Fill in the application

- You'll provide basic information and verify your employment history.
- Please note: 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.

Upload documents

- Proof of ID documents
- Certification of a Serious Health Condition (if applicable)

Get your determination

- Once your application is submitted and you've provided the necessary documents, we will review your application and then mail you a determination letter at the mailing address you gave us.
 - If approved, this letter will provide a maximum weekly benefit amount you may receive and confirm the dates of your approved leave and claim year.
 - We may contact you if we have questions about your application.
- Once your application is approved, there is a "waiting week." This is required by law for all types of leave except parental bonding leave. During this time, you may use paid time off from your employer, including paid vacation or sick days. If the first week of your paid family or medical leave happens before you receive your approval letter and are able to begin filing weekly claims, that first week still counts as your waiting week.
 - For example, say your paid family or medical leave start date is January 13 and you receive your approval letter on January 22. Once you are approved and can file weekly claims, the first week of your approved leave is your waiting week, so the first week you can claim is the week of January 19.
 - You can begin filing for past weeks right away. You may go up to four weeks without filing and receive those payments retroactively.

What is in the application?

- Basic information about yourself (full name, date of birth, address, contact information, Social Security Number or Individual Taxpayer Identification Number).
- Verification of your employment history.
- The date you notified your employer about your planned leave.
- What type of leave you're taking (family or medical).

Important tip!

Doublecheck your name and your SSN/ITIN before finalizing your account creation and application.

Can't apply online? You can also apply on paper via postal mail. Request an application from our Customer Care Team after Jan. 1, 2020.

File a weekly claim

- Your "waiting week" is the first week you are approved to file a weekly claim. Claim weeks always end on Saturday night. If the qualifying event occurred mid-week, the "waiting week" may be less than a week.
- Weekly claims are how you receive your pay. After you receive your determination letter in the mail and have been approved you can begin filing weekly claims. Claims can also be filed for weeks you were on leave before your application was approved.
- You can file these online or by calling each week.
 - Each week, we will ask you if anything has changed about the length of leave or your qualifying event, and if you worked during the past week.
 - If you worked or claimed other benefits, like employer provided paid time off, we may prorate your payment that week (unless the employer leave was a "supplemental benefit").
- 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.

Providing complete and accurate information will help us process your application and weekly claims faster.

More to know

You may be eligible for job protection. If you work for a company that employs more than 50 people in Washington, you have worked there for at least a year and for a total of 1,250 hours in the past year for that employer (about 24 hours per week), you are likely eligible for job protection.

Even if you took leave in 2019, you can still use Paid Family and Medical Leave in 2020. Use of other paid or unpaid leave in 2019 doesn't limit your ability to take Paid Family and Medical Leave in 2020 (including using FMLA). You still must meet the eligibility requirements for the program however and depending on how much time you took off you may not be eligible for job protection.

If your qualifying event happened in 2019, you may be eligible for the program if you still have a medical reason to be on leave. For example, if you had surgery in December 2019 and are still recovering, you can apply for benefits in 2020.

- For January 2020 only: Only three quarters' worth of hours will have been reported for you by your employer(s), as reporting for 2019 Q4 ends Jan. 31, 2020. This means if you do not have enough hours reported by your employer(s) to establish eligibility we may contact your employer(s) and you to verify total hours.

**It's yours –
you've earned it.**

Using this program is your choice. It is yours – you earned it. While you are welcome to use other leave options you may have before or after you take Paid Family and Medical Leave, your employer cannot require you to use other leave options before Paid Family and Medical Leave.

Check with your employer if they offer a "supplemental benefit." You cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless your employer offers what is called "a supplemental benefit." Supplemental benefits are something an employer may choose to offer that can be used along with Paid Family and Medical Leave to provide additional pay while you are receiving the benefit. Ask your employer if this option is available to you.

www.paidleave.wa.gov

This is not the same as paid sick leave. Paid sick days are for short-term health conditions that keep you from working, typically for less than a week. For more information on paid sick leave, visit www.lni.wa.gov/workers-rights/leave/paid-sick-leave

Multiple people can provide care for a 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 event as long as they all meet eligibility requirements. Each person will fill out a separate application.

Leave does not have to be taken all at once. 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 in the hospital.*

Find frequently asked questions and more information at www.paidleave.wa.gov.

Should you apply? Answer these questions

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Did you work at least 820 hours (about 16 hours a week) in the last year in Washington state? (The 820 hours can be for one job or multiple jobs) |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Have you experienced a "qualifying event"? Events include: <ul style="list-style-type: none">• Welcoming a new child into your family through birth, adoption or foster placement;• Your own serious health condition or illness, like recovering from surgery or a serious injury;• Caring for a seriously ill or injured family member;• A qualifying military family leave event. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | None of these conditions apply to me: <ul style="list-style-type: none">• Solely employed by the federal government• Working for an employer with an approved voluntary plan (if you are unsure, ask your employer)• Covered by a collective bargaining agreement that hasn't expired, been opened or renegotiated since October 19, 2017• Self-employed and have not opted in to Paid Family and Medical Leave• Solely employed by a federally recognized tribe that has not opted in to Paid Family and Medical Leave |

If you answered "Yes" to each of these, you likely will qualify for the program.

For applicants in January 2020 only: Only three quarters' worth of hours will have been reported for you by your employer(s), as reporting for 2019 Q4 ends Jan. 31, 2020. This means if you do not have enough hours reported by your employer(s) to establish eligibility we may contact your employer(s) and you to verify total hours.

The next update to this guide is expected to be made:

January 2020

www.paidleave.wa.gov

Change log

Nov. 22, 2019

- Clarified the “waiting week” (p 4)