

## FREQUENTLY ASKED QUESTIONS - PFML

### Introduction

The State of Washington introduced a new law called Paid Family and Medical Leave (PFML) which is administered by the Employment Security Department (ESD). Since this is a benefit through the State of Washington, PFML applications and many questions should be directed to ESD. This frequently asked questions document was developed to assist King County employees in understanding some basic aspects of PFML. For the most current information employees are encouraged to contact ESD.

### What is Washington Paid Family & Medical Leave?

The Washington Paid Family and Medical Leave provides partial income replacement for eligible employees approved for family and/or medical leave by 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 at:

**Email:** [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) **Phone:** 833-717-2273 **Web:** [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

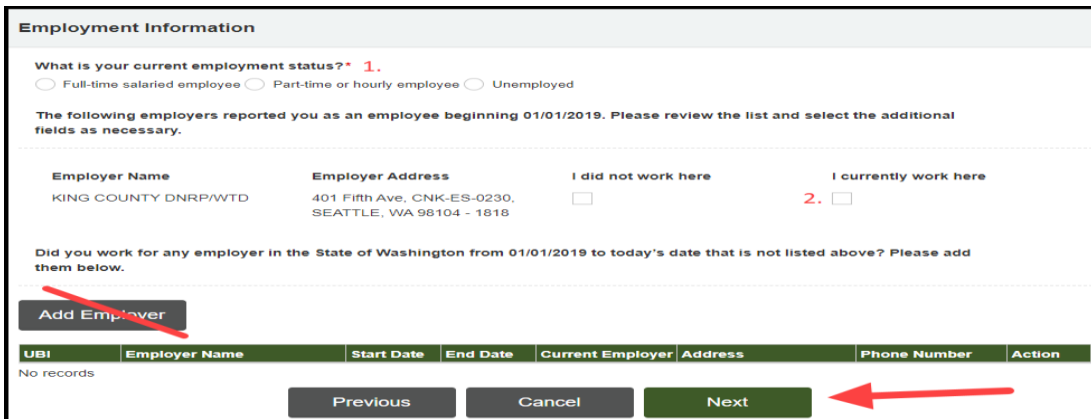
### What notice is an employee required to provide to their employer if they want to take PFML?

ESD requires that the employee provide the employer with 30 days' advance written notice of the intent to take PFML, if foreseeable. If unforeseeable, an employee must provide notice as soon as practical. 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.

### Which Employer name do I choose when completing the PFML application on the ESD website?

At this time, the name listed for King County employees is not showing correctly. The name is currently listed as "KING COUNTY DNRP/WTD" which is incorrect and is being corrected. Please do the following under the Employment Information section:

- 1) Select your employment status
- 2) Click the "I currently work here" checkbox
- 3) DO NOT click the Add Employer button
- 4) Click the Next button



Employment Information

What is your current employment status? \* 1.

Full-time salaried employee  Part-time or hourly employee  Unemployed

The following employers reported you as an employee beginning 01/01/2019. Please review the list and select the additional fields as necessary.

Employer Name	Employer Address	I did not work here	I currently work here
KING COUNTY DNRP/WTD	401 Fifth Ave, CNK-ES-0230, SEATTLE, WA 98104 - 1818	<input type="checkbox"/>	2. <input type="checkbox"/>

Did you work for any employer in the State of Washington from 01/01/2019 to today's date that is not listed above? Please add them below.

~~Add Employer~~

UBI	Employer Name	Start Date	End Date	Current Employer	Address	Phone Number	Action
No records							

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## Which Employer Name do newer employees choose when completing the PFML application on the ESD website?

Newer King County employees may see a former employer name listed when completing the initial PFML application. In this case, employees will need to do the following under the Employment Information page:

- 1) Select your employment status
- 2) Click the “I did not work here” (even if you did work at that former employer)
- 3) Click the “Add Employer” button
- 4) Type in “King County DNRP” in the “Employer Name” box. Click *Search*
- 5) Select “KING COUNTY DNRP/WTD” from the list of Employers (The associated UBI# is 578-055-920. The address listed should be 401 Fifth Ave, CNK-ES-0230, Seattle, WA 98104. Yes, we know this is not necessarily your agency and ESD is trying to correct the Employer Name)

**Employment Information**

What is your current employment status? \* 1.

Full-time salaried employee  Part-time or hourly employee  Unemployed

The following employers reported you as an employee beginning 01/01/2019. Please review the list and select the additional fields as necessary.

Employer Name	Employer Address	I did not work here	I currently work here
Petco	123 Bunny Road, Seattle, WA 98104	2. <input checked="" type="checkbox"/>	<input type="checkbox"/>

Did you work for any employer in the State of Washington from 01/01/2019 to today's date that is not listed above? Please add them below.

**Add Employer** 3.

UBI	Employer Name	Start Date	End Date	Current Employer	Address	Phone Number	Action
No records							

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**Employer Search**

Employer Name (starts with) \*

King County 4. **Search** ←

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**Search Results**

Select your employer from the list below and update any missing information.

Unified Business Identifier	Employer Name	Employer Address	Action
578-055-920	KING COUNTY DNRP/WTD	401 Fifth Ave, CNK-ES-0230, Seattle, WA 98104	Select 5. ←
801-549-060	KING COUNTY ACADEMY OF FAMIL...	140 LAKESIDE AVE STE A13, SEATTLE, WA 98122 - 6592	Select
804-102-460	KING COUNTY ACCOUNTABLE COM...	1501 5TH AVE, SEATTLE, WA 98101 - 3815	Select
803-335-243	KING COUNTY ANESTHESIA ASSO...		Select
800-045-572	KING COUNTY BAR ASSOCIATION	900 4TH AVE #600, SEATTLE, WA 98164 - 1001	Select
801-798-298	KING COUNTY BAR FOUNDATION		Select
802-312-127	KING COUNTY BAR INSTITUTE		Select
800-049-113	KING COUNTY CARPENTERS	20424 72ND AVE S, KENT, WA 98032 - 2319	Select
802-193-568	KING COUNTY CHAPTER OF THE NA...		Select
803-303-197	KING COUNTY CITIZENS AGAINST F...	10939 SE 183RD CT, RENTON, WA 98055 - 7170	Select

79 records

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## What forms am I required to provide to my human resource professional?

Once an employee provides notice of the need for family and/or medical leave to their agency human resource professional they will be asked to complete the county’s standard *Leave Request Form*, so that King County can determine all eligible protections and laws available. The agency human resource professional will then provide the *Leave Response Form* indicating the protected leave laws that are applicable to your leave situation (ex. FMLA, KCFML, PPL, PFML, etc.).

## **What other information should I expect to receive from my human resource professional?**

Although most questions should be directed to ESD, your agency human resource professional should provide basic information on the interaction of paid accruals, short-term disability and available protected leave laws.

## **Am I required to apply for PFML?**

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

## **Am I required to use other protected leave laws like FMLA and KCFML?**

Yes, the rules and processes for other types of protected leaves have not changed. If you are eligible for a type of protected leave other than PFML, the county will designate the time off as such and run the leaves concurrently. For instance, if you are on PFML for your own serious health condition, and you are eligible for Family Medical Leave or King County Family Medical Leave, the time spent on PFML will also count against your allotment for leave under FMLA and KCFML.

## **What are some considerations when deciding to use my own paid accruals instead of submitting weekly PFML claims with ESD?**

King 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 King County. Employees may receive up to 100% of their normal pay and continue to receive their normal range of benefits.

## **What are some considerations when deciding to apply for PFML payments from ESD?**

King County fully supports the right of eligible employees to take PFML leave. The following provides information regarding the potential effects of PFML on other benefits.

- It is an employee's voluntary choice to apply for PFML, the County cannot require you to do so.
- Any PFML payments from ESD are not considered pay by King 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.
- You are not required to use paid leave accruals prior to using PFML, but you may choose to do so.
- If you are using paid leave accruals at the same time that you are receiving PFML payments, the payment from the County will decrease the PFML payment.
- If you are not approved for PFML, it may result in you being in a no pay status; workplace rules regarding no pay status may lead to potential discipline.
- PFML provides up to 90% wage replacement, with a maximum of \$1,000 per week; it does not provide full wage replacement.

## **How do I determine the weekly benefit I can expect to receive under 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/>

## **How can I determine the amount of the mandatory PFML payroll deduction?**

The amount of your mandatory deduction can be found on your pay advice under the "Employee Taxes" section. The deductions are split into two parts with one part being for PFML medical (WA MLI/EE) and one part for PFML family coverage (WA FLI/EE).

In 2019 and 2020, the premium is 0.4% of an employee's wages. The employee is responsible for 63% of the premium deduction and the employer is responsible for the remaining 37%. For example, if an employee makes

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\$50,000 annually, the total annual cost would be \$200, of which \$126 would be deducted from the employee's paycheck per year, which is about \$2.42/week.

## **What is the maximum benefit for PFML?**

ESD determines PFML entitlements. According to information from ESD, eligible employees are entitled for 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.

## **How does PFML interact with Short-Term Disability (STD) and Long-Term Disability?**

Income received from other sources, including PFML, will offset county-sponsored STD and LTD payments. If your condition appears to be eligible for PFML, King County's STD/LTD carrier will offset payments regardless of whether PFML payments are being received.

## **How will PFML be tracked by ESD?**

ESD is responsible for tracking PFML and questions related to remaining PFML benefits should be directed to ESD.

## **What notices does King County receive from ESD?**

The Employment Security Department provides employers with the initial notice of application and notices of approval/denial. ESD also asks the employer to confirm if the employee provided the required notice and when they did so. Other employer interactions may include notice requests for information (hours, wages) and questions related to overall administration.

## **If I already used King County's Paid Parental Leave (PPL) in 2019, can I still apply for PFML?**

Yes, if you meet eligibility requirements.

## **Can I still apply for PFML even if I am no longer employed by King County or I am a seasonal or temporary employee?**

Contact Employment Security Department (ESD).

## **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 the employee need approval from ESD before PFML can begin?**

No, King County assumes the start date given by the employee to the county is the correct start date, until or unless the county receives contradictory information from the state. For example, Jane tells you on May 1 that she will be taking PFML beginning June 15, her PFML leave begins on June 15.

## **Does PFML provide job protection?**

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

## **Does PFML provide benefit continuation?**

PFML only provides benefit continuation when an employee would be covered and provided benefit continuation under the FMLA. There are other reasons an employee may also be provided benefits continuation, such as KCFML or the Affordable Care Act (ACA).

## **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.

## **What if I start my PFML and ESD ultimately denies my PFML application?**

It is possible that an employee would be considered absent without leave and possible disciplinary actions may occur.

## **What may cause the state to reduce my PFML payments?**

Hours worked and use of paid accruals.

## **Will ESD ever seek reimbursement of PFML overpayments?**

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 King County's sick leave policies?**

King County's current policy requires that employees exhaust their sick leave first before entering an unpaid leave for an employee's own serious health condition. 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.