

# Washington Paid Family and Medical Leave

WA PFML

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This document is meant to answer some of the questions that employers may have and provide them with a quick summary of information related to the law and the state-mandated plan as of January 1, 2022.

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# WA Paid Family and Medical Leave (WA PFML) Basics

## Am I required to offer PFML benefits to my employees?

Yes. Currently, private employers that employ one or more individuals are required to offer paid family and medical leave benefits to their employees. Those who are self-employed or are sole proprietors are also eligible to opt-in to the program. Exempt employers include: Federal employers, businesses located on tribal land, and Union's working under a collective bargaining agreement that have not been reopened or renegotiated since October 19, 2017.

## Is my business required to use the state-run paid leave program?

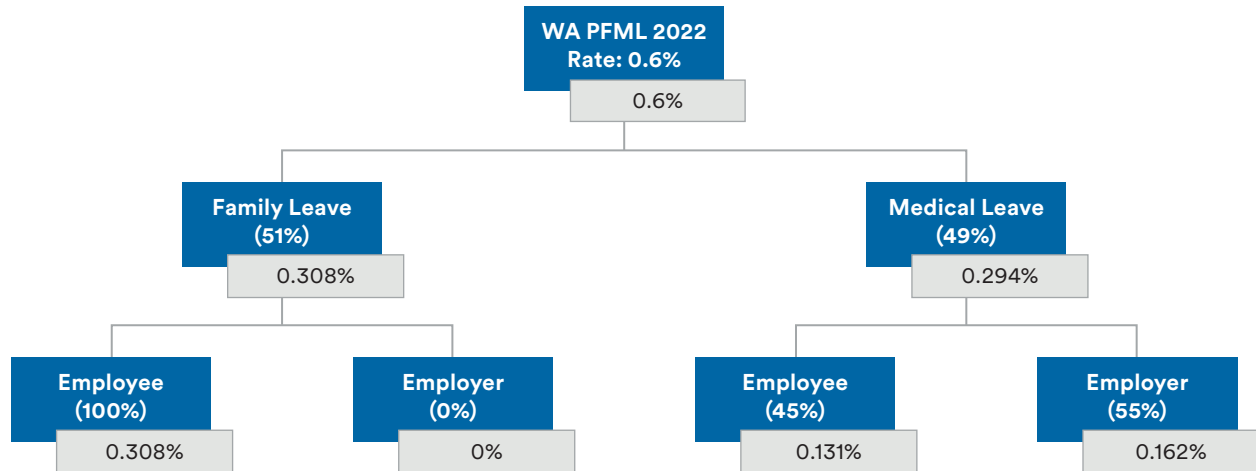
No, while private employers with one or more employees are required to offer PFML, they may choose to apply for an exemption if they want to offer the same benefits or better to all employees through an employer sponsored self-insured voluntary plan.

## How is the program funded?

The state-run program has a shared premium of 0.6% of an employee's wages that fund the program. Employees will pay approximately 73.22% of the contributions and employers with more than 50 employees will pay up to 26.78%. Employers with less than 50 employees are not required to submit their employer portion. However, if they do, they may qualify for Small Business Grants used to fund replacement staff due to employees utilizing the paid leave benefits and/or to help cover other wage related costs.

## How do you calculate the PFML premium amount due for each employee in 2022?

Employers may choose to fund the benefit on behalf of their employees or use payroll contributions per the split below:



| Examples                          | Employee A                | Employee B                | Employee C                |
|-----------------------------------|---------------------------|---------------------------|---------------------------|
| <b>Annual Salary</b>              | \$45,000                  | \$75,000                  | \$147,000 (cap)           |
| <b>Contribution Rate for 2022</b> | PFL 0.308%,<br>PML 0.162% | PFL 0.308%,<br>PML 0.162% | PFL 0.308%,<br>PML 0.162% |
| <b>Total Annual Premium</b>       | \$270                     | \$450                     | \$882                     |
| <b>Employer Pay*</b>              | \$72.30                   | \$120.50                  | \$236.20                  |
| <b>Employee Pay</b>               | \$197.70                  | \$329.50                  | \$645.80                  |
| <b>Weekly Payroll Deduction</b>   | \$3.80                    | \$6.30                    | \$12.40                   |

\* Employer pay is contributions due for all employers with 50+ lives in the state of Washington. For employers with less than 50 lives, if they pay their portion of the contribution, they may be eligible for Small Business Grants.

## Voluntary Plan Option

### What is a voluntary plan?

WA allows employers to opt out of the state administered program with a state approved voluntary PFML plan. WA PFML voluntary plans are self-insured and must be available to all covered workers under the WA PFML law and contain the same or better benefits and protections. A voluntary plan can be for medical leave only, paid family leave only, or both paid family and medical leave coverage.

Employers can collect employee contributions to the caps established under the state's program. Employee contributions to a voluntary plan must be held in trust. This includes interest or other income arising from these contributions from an approved voluntary plan. These funds held in trust are not considered part of an employer's assets and must be held in a separate, specifically identifiable account in a financial institution. If an employer withdraws their voluntary plan, funds held in trust must be remitted to the department, less plan costs.

Employers with state approved voluntary plans are still required to submit WA PFML Statutory Reports for wages and hours worked plus claim level data. For a detailed list of the reporting requirements and all voluntary plan details, the state has published a Voluntary Plan Guide.

MetLife has developed a WA PFML Voluntary Plan Tool Kit to help summarize the steps needed to apply for state approval associated with the WA PFML tax exemption. Ask your sales representative for a copy.

### What do I need for the state tax exemption?

To qualify for a state tax exemption, you need to apply for the tax exemption with an approved voluntary plan. Employers can submit applications through [paidleave.wa.gov](http://paidleave.wa.gov). There is an application fee of \$250. If approved, your plan will take effect the first day of the quarter immediately following the approval of the plan.

### What are the planned annual changes?

Annual changes will be published in October of each year.

### Do employers with voluntary plans need to re-file or re-apply with the state?

For the first three years, employers will need to submit their voluntary plan for state review to ensure it still meets the requirements of the program. After three years, employers will need to resubmit only if they make a change that is not legally required. If additional changes are made to a state approved self-insured voluntary plan that are not legally required, the employer may need to submit a new application and fee.

## MetLife's Voluntary Plan Solution

### What are MetLife's voluntary plan solutions?

MetLife can administer self-insured plans that are Advice to Pay (ATP) with and without benefit calculations. And, self-insured Administrative Services Option (ASO) which includes issuing benefit checks and issuing the tax statements (W2 and/or 1099-misc).

### What is MetLife's rate for self-insured PFML coverage?

MetLife prices are based on a service fee for administering the program. Employee contributions cannot be used to pay the service fee. However, employers may collect the contribution to help fund benefits payable under the PFML program.

### How will MetLife coordinate other employer paid leave benefits?

Your MetLife Service team can help you review employer paid leave benefits that may overlap with the state leave. We may document overlaps and your preferred contact and action when the overlap happens on a Claim Benefit coordination tip sheet. The same tip sheet can be used for multiple states with paid leave programs.

### If an employee takes an employer paid benefits for the same leave reason, can the employer be reimbursed benefits?

No. Per the state law, the WA PFML benefits cannot be reimbursed.

# PFML Benefit Details

## Who is eligible for coverage?

All employees working for a covered employer are eligible for benefits.

| WA PFML  |
|--|
| <p>An employee* is covered if he/she is currently employed and:</p> <ul style="list-style-type: none"> <li>• Works for a covered employer in the state of WA. The worker does not need to reside in Washington to be eligible.</li> <li>• Works 820 hours or more within the first four of the five most recently completed quarters. (Note, if the employee worked fewer hours due to the pandemic, he/she may still be eligible, and should talk with their plan administrator.)</li> <li>• Is self-employed or a sole proprietor and a WA resident who has opted into the program.</li> </ul> |

\*Individual employees are not allowed to opt out of the program.

## What are the state benefits and what life events can they be used for?

Eligible workers can receive wage replacement benefits for the below qualifying events\*\*:



| Paid Medical Leave  | Paid Family Leave  |  |   |
|---|--|--|---|
| <p><b>Own Serious Health</b><br/>Employee's own medical need and pregnancy</p>  | <p><b>Child Bonding</b><br/>Including newborn, adoption and foster placement</p> | <p><b>Family Caregiver</b><br/>When a covered family member has a serious health condition</p> | <p><b>Military Exigency</b><br/>When a covered family member is called to active service overseas</p> |
| Benefit Duration  |  |  |   |
| <p>Up to 12 weeks in a 12-month benefit period.</p> <p>Extra 2 weeks if employee is incapacitated due to complications to pregnancy.</p> <p>7 day paid family leave following the death of a qualifying family member.</p> <p>Up to 16 weeks combined paid family and paid medical leave.</p> <p>Up to 18 weeks if the employee receives the extra 2 weeks due to complications of pregnancy.</p> <p>A one time 7-day waiting period required per benefit period</p> <p>Waiting period no longer reduces an employee's allotment of paid family and medical leave</p> <p>Waiting period does not apply to medical leave upon birth of a child or family leaves specifically for child bonding</p> |  |  |   |

\*\*Job protection may apply if the employee works for a company that employees 50 people in Washington, have worked for the company at least a year and had completed at least 1,250 hours worked.

FMLA should run concurrent with PFML when applicable.

## How much of a benefit can an employee receive?

Benefits are paid as a percentage of the employee's average weekly wage.

| 2022 Maximum Weekly Benefit: \$1,327  |          |
|---|----------|
| Benefit Calculation:  |          |
| <b>Step 1:</b> 90% of 50% of the state's average weekly wage (rounded down to nearest dollar) | +        |
| <b>Step 2:</b> 50% on the balance up to the state cap   |          |
| WA State Average Weekly Wage (WA AWW)   | \$1,475  |
| 50% of WA AWW   | \$737.50 |

| Examples              | Employee A | Employee B | Employee C |
|-----------------------|------------|------------|------------|
| <b>Weekly wage</b>    | \$500      | \$1,000    | \$2,000    |
| <b>Benefit amount</b> | \$450      | \$795      | \$1,327    |

## Leave Request Process

### How do employees file for benefit?

| 1 Notify employer  | 2 Apply for benefits  | 3 Submit supporting documentation  | 4 Stay connected until employee returns to work   |
|--|---|--|---|
| <ul style="list-style-type: none"> <li>At least 30 days prior if leave is foreseeable or as soon as employee can if unforeseeable.</li> <li>Benefits may be delayed if an employer does not receive 30 days notice for a foreseeable leave.</li> </ul> | <ul style="list-style-type: none"> <li>Apply for benefits as soon as possible after the event takes place.</li> <li>Late filed claims may be considered if it meets the state's definition of 'good cause'.</li> <li>For voluntray plans, MetLife can accept claims within 30 days prior/after via web, telephone or paper claim. Method is dependent on employer's coverage plan.</li> </ul> | <ul style="list-style-type: none"> <li>Proof may be required before the claim decision can be made.</li> <li>MetLife will make a claim decision within 15 calendar days of receiving all information (or the first day of leave, whichever is later).</li> </ul> | <ul style="list-style-type: none"> <li><b>Employees will need to file weekly claims for the state administered plan.</b></li> <li>Employer and MetLife will need to have employee anticipated return to work date scheduled or an intermittent leave plan on file to efficiently manage the claim.</li> </ul> |

## Coordination with Other Benefits

WA PFML and the Federal FMLA can be taken at the same time and should be taken at same time when applicable.

### Can an employee qualify for more than one benefit?

Employees may qualify for more than one benefit based on the leave reason. Some common events are listed below:

| Leave reason  | WA PFML |        | FMLA | Company   | Other        |
|---|---------|--------|------|---|--------------|
|   | WA PML  | WA PFL |      |   |              |
| Employee has complications to pregnancy   | Yes     | No     | Yes  | STD   |              |
| Employee has a serious health condition requiring multiple days-weeks-months away from work   | Yes     | No     | Yes  | <b>STD-continuous or reduced leave schedules with partial disability</b><br>No intermittent leave |              |
| Employee is injured at work   | No      | No     | Yes  | No  | Workers Comp |
| Employee is bonding with newborn, is fostering and/or adopting a child  | No      | Yes    | Yes  | Maybe<br>(Parental/Bonding leave)   |              |
| Employee needs to care for a parent, child, spouse with a serious health condition  | No      | Yes    | Yes  | Sick leave, PTO   |              |
| Employee needs to care for other family members: grandparent, sibling, grandchild, or other family member with a serious health condition | No      | Yes    | No   | Sick leave, PTO   |              |
| Former employee receiving unemployment has a qualifying event   | Maybe   | Maybe  | No   | No  | Unemployment |

### If an employer offers parental leave that pays 100% salary for a designated number of weeks how would MetLife coordinate the parental leave program with the WA PFML benefit?

WA PFML is a wage replacement benefit. If the employee is not losing wages, PFML benefits may begin after the company paid leave ends. Employers can top up benefits by using supplemental benefits to the WA PFML benefit paid. As part of our benefit coordination process, MetLife's claims team can reach out to the employer to coordinate dates of the company leave that directly overlaps with the state leave (i.e. Company's parental leave and PFL-child bonding).

## What proof or supporting documentation is needed to support my claim?

### **For one's own serious health condition (when sick or hurt and cannot work for an extended period of time):**

- Certification of a Serious Health Condition form filled out by the claimant and the healthcare provider. It can take two weeks or more for the doctor's office to process this paperwork, so claimants should be sure to submit it to them as soon as possible; or
- A doctor's note or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form.

### **For child bonding for a newborn:**

- A copy of the child's Birth Certificate, or
- A statement from the child's health care provider stating child's date of birth, or
- A statement from the mother's health care provider stating child's date of birth.

### **For child bonding for adoption or foster care placement:**

- A copy of court documents finalizing the adoption; or
- Documentation from the child's healthcare provider; or
- Foster/adoption agency paperwork containing adoption or placement.
- Please note: If the claimant is not the parent named in the court documents, they may also be asked to provide proof verifying their relationship to the parent in locos named in the court documentation, such as, but not limited to, marriage certificate, civil union, or domestic partnership documentation.

### **For leave to care for a family member with a serious health condition, including medical events related to pregnancy or childbirth, claimants must provide ONE of the following:**

- Certification of a Serious Health Condition form filled out by the claimant and the healthcare provider. It can take two weeks or more for the doctor's office to process this paperwork, so claimants should be sure to submit it to them as soon as possible, or
- A doctor's note or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form.
- Please note: In some cases, a statement confirming the relationship between the covered employee and the Family Member may also be requested.

### **For qualifying military exigency needs, claimants will need to verify their family member's service with one of the following:**

- Covered family member's active-duty orders, or
- Letter from the military unit documenting impending call or order to covered duty, or
- Documentation of military leave signed by the approval authority for the military member's rest and recuperation.
- If leave is requested to meet with a third party, such as a school official, counselor, or attorney, the claimant must provide documentation of the meeting that includes:
  - The name, address, and contact information of the individual or entity with whom the claimant is meeting
  - A description of the meeting

## Claims Processing

### **Can an employee have more than one claim in a benefit year?**

Yes. The maximum combined leave is 16 weeks for paid family and medical leave. 18 weeks if the employee had complications to pregnancy. An employee will only have 1 unpaid waiting week during the benefit year. As of June 9, 2022, the waiting period no longer reduces an employee's allotment of Paid Family and Medical Leave. The waiting period does not apply to Medical Leave following the birth of a child or for Family Leave taken for child bonding. Can WA PFML be taken intermittently or on a reduced leave schedule?

Yes, WA PFML can be taken intermittently or on a reduced leave schedule if they have an 8 hour continuous leave (i.e. 8 hours in one day, 4 hours prior afternoon, 4 hours next morning). Proof of need may be required.



### Why does the law say the employee must give 30 days' advance notice of foreseeable leave?

The 30 day advance notice requirement is for the employee to alert their supervisor/employer that they will be absent. This may help with staffing and identify back up training to cover while the employee is out for an extended period of time. WA PFML will not accept an application for benefits filed prior to the actual start date of the leave.

### Who is a covered family member?

Family member means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

## General Tax Questions

### Are taxes automatically withheld from benefits paid by the state?

No. Taxes will not automatically be withheld from benefits paid by the state.

**PFL:** the state will issue 1099-G forms

**PML:** the state does not issue any forms to report benefits

Voluntary plan benefit payments are self-insured and may be paid through an employer's normal payroll, which may include withholdings set up like the employee's normal pay.

## Resources



### Need more information? Visit:

The MetLife PFML [website](#) regarding state mandated benefits.

For Washington State resources [click here](#).

For details regarding your coverage, contact your MetLife Representative.

**Please Note:** The information presented in this brochure is not legal advice and should not be relied upon or construed as legal advice. It is not permissible for MetLife or its employees or agents to give legal advice. The information in this brochure is for general informational purposes only and does not purport to be complete or to cover every situation. You must consult with your own legal advisors to determine how these laws will affect you. Like most paid leave programs, MetLife's paid leave programs contain certain exclusions, exceptions, waiting periods, reductions, limitations, and terms for keeping them in force. Please contact MetLife or your plan administrator for complete details.

[metlife.com](https://www.metlife.com)



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