

PEND OREILLE COUNTY
NEWPORT, WASHINGTON

RESOLUTION NO. 2020- 19

ADOPTION OF COUNTY POLICY REGARDING THE IMPLEMENTATION
OF THE WASHINGTON PAID FAMILY AND MEDICAL LEAVE

WHEREAS, the Pend Oreille County Board of Commissioners wishes to establish guidelines that are in conformity with the Washington State Paid Family and Medical Leave (PFML) law pursuant to Chapter 50A RCW and other supporting regulations relating to establishing a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Pend Oreille County Board of Commissioners that the Paid Family & Medical Leave Policy, which is attached policy hereto and incorporated herein, be established and adopted.

ADOPTED this 6th day of April 2020.

BOARD OF COMMISSIONERS
PEND OREILLE COUNTY

ATTEST:

Crystal Zieske
Crystal Zieske, Clerk of the Board

APPROVED AS TO FORM:
Dolly Hunt
Dolly Hunt, Deputy Prosecuting Attorney

Mike Manus
Mike Manus, Chair

Steve Kiss
Steve Kiss, Vice Chair

via phone conference, per Cy
Karen Skoog, Commissioner

Washington Paid Family and Medical Leave Policy

Washington Paid Family and Medical Leave

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020. This policy provides a summary of the PFML program, but employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the County will administer this benefit program consistent with applicable statutes and regulations.

Payroll Deductions. The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the County will modify payroll practices to reflect those statutory changes.

Eligibility. Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the Employer for at least 12 months and have worked 1250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).

Leave Entitlement. Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML runs concurrently with FMLA where an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

PFML Application Process. An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

Notification Requirements. An employee must provide written notice to Human Resources of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the County, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the County will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

If taking leave intermittently, an employee must notify the County each time PFML leave is taken so that the County may properly track leave use.

PFML Monetary Benefits. If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum of \$1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

Supplementation of PFML Benefit With Paid Leave.

The County has designated the following accrued leave banks as a “supplemental benefit” under the PFML law: [sick leave, vacation, PTO, Personal Holidays, and Compensatory time]. Employees may use such accrued leave to make up the difference between the PFML benefit received from ESD and regular pay for a week in which PFML leave is taken. During a week in which PFML leave is taken, the employee may use available supplemental accrued leave to remain in paid status pending the employee’s application for and receipt of PFML benefits from ESD. Within five [5] business days of receiving PFML benefits, The Employee on WA Paid Family and Medical Leave shall bring their Washington Paid Family & Medical Leave check to the Pend Oreille County Auditor’s Office (Finance Department) to purchase back all or a portion of Their leave hours used and paid to the employee during the family and/or medical leave.

Under no circumstances will the sum of PFML benefits and supplemental accrued leave be permitted to exceed the employee’s regular base weekly pay.

In the event an employee does not submit the Washington Paid Family & Medical Leave payment to the county, the employee may be subject to disciplinary action for misuse, falsifying, or abusing leave up to and including termination.

Important note: when submitting a weekly PFML benefit application to ESD, an employee should not report the receipt of supplemental accrued leave to ESD; this will ensure that the full PFML benefit is received for the week.

Coordination with Other Benefit Programs. When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of Employer policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to County policy and subject to any FMLA or other legal requirements requiring continuation of coverage. An employee on unpaid leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee’s premium payment is more than 30 days late, the employee’s coverage may be dropped. The employer must provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

Leave/Time Accrual:

An employee on unpaid leave will not accrue sick leave, vacation leave, or retirement during the period they are on unpaid leave status from the County.

Job Restoration; Return to Work Recertification. An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The County may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition. Under certain conditions, the County may deny job restoration to a salaried employee who is among the highest paid ten percent of County employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the County as soon as possible.

Signed this 6th day of April, 2020.

PEND OREILLE COUNTY
BOARD OF COMMISSIONERS



Mike Manus, Chair



Stephen Kiss, Vice-Chair

via zoom conference, per CZ

Karen Skoog, Commissioner