

**HIGHLINE WATER DISTRICT  
King County, Washington**

**RESOLUTION 20-3-4B**

**RESOLUTION AMENDING THE PERSONNEL MANUAL TO INCORPORATE THE WASHINGTON PAID FAMILY AND MEDICAL LEAVE PROGRAM (PFML) POLICY AND PROCEDURE (APPENDIX A1)**

**WHEREAS**, the Washington Paid Family and Medical Leave Program is a mandatory statewide insurance program, administered by the Employment Security Department (ESD), which provides paid family and medical leave to eligible employees; and

**WHEREAS**, the Washington Paid Family and Medical Leave Program does not replace the Federal Family and Medical Leave Act (FMLA), and in many cases, PFML and FMLA will run concurrently; and

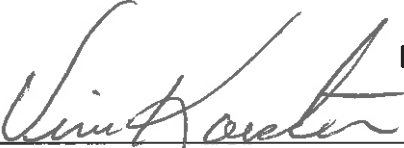
**WHEREAS**, as of January 1, 2020, the Washington Paid Family and Medical Leave Program (PFML) (Chapter 50A RCW) allows qualified employees to be paid a portion of their wages up to 12 weeks in a 12-month period if the requested leave qualifies for coverage (RCW 50A.15.040).

**NOW, THEREFORE, BE IT RESOLVED:**

The General Manager or designee is authorized to amend the Personnel Manual and incorporate the Washington Paid Family and Medical Leave Program Policy and Procedure (**Appendix A1**, attached herein in full by this reference).

**ADOPTED BY THE BOARD OF COMMISSIONERS** of Highline Water District, King County, Washington, at an open public meeting held this **4th** day of **March 2020**.

**BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
**Vince Koester**, President

  
\_\_\_\_\_  
**Polly Daigle**, Commissioner

  
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**Kathleen Quong-Vermeire**, Commissioner

  
\_\_\_\_\_  
**Todd Fultz**, Secretary

  
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**Daniel Johnson**, Commissioner



## WASHINGTON PAID FAMILY AND MEDICAL LEAVE PROGRAM POLICY AND PROCEDURE

### APPENDIX A1

#### **POLICY**

Paid Family and Medical Leave (PFML) is a mandatory statewide insurance program, administered by the Washington State Employment Security Department (ESD), that provides almost every Washington employee with paid time off to give or receive necessary care.

1. To be eligible for the State benefit, employees must have worked 820 hours in the qualifying period (defined as the first four of the last five calendar quarters), for any employer(s) in Washington State. The program is funded by premiums paid by both employees and employers. The employee portion will be deducted from your paycheck.
2. If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:
  - welcome a child into your family (through birth, adoption or foster placement)
  - experience a serious illness or injury
  - need to care for a seriously ill or injured family member
  - need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment
3. If you face multiple events in a year, you may be eligible to receive up to 16 weeks, and up to 18 weeks if you also experience a pregnancy-related serious health condition.
4. If the need for leave is foreseeable, you must provide Highline Water District at least 30 days' written notice.
5. While on leave, you are entitled to partial wage replacement. That means you will receive a portion of your average weekly pay. The benefit is a percent of your weekly wage, as determined by the State. You will file your claim with the Employment Security Department and, if approved, you will be paid by the Employment Security Department. Retaliation for requesting or taking Paid Family and Medical Leave is prohibited.
6. Employees may not use paid time off to supplement wages while using PFML.
7. In order to be eligible for job protection under PFML, an employee must work for an employer with 50 or more employees, must have worked for that employer for at least 12 months, and must have worked 1250 hours in the last year. Because the District currently has fewer than 50 employees, the PFML does not require the District to provide job-protected leave. However, employees may be eligible for leave protection under another policy or law (e.g., leave for disability for pregnancy/childbirth).
8. If you are eligible for the Federal Family and Medical Leave Act (FMLA), you will be entitled to maintain your health insurance while you are on leave. You must continue to pay your portion of the premium cost while on leave. (reference our FMLA policy)



## WASHINGTON PAID FAMILY AND MEDICAL LEAVE PROGRAM POLICY AND PROCEDURE

### APPENDIX A1

#### PROCEDURE

**Payroll Deductions:** The Washington Paid Family and Medical Leave (PFML) program is funded through premiums collected by Washington Employment Security Department (ESD). The premium rate is established by law. Employees are currently responsible for two-thirds of the total premium amount, which the District collects via payroll deductions and remits to ESD. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the District 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 work for an employer with 50 or more employees, must have worked for that employer for at least 12 months, and must have worked 1250 hours in the last year. Because the District currently has fewer than 50 employees, the PFML does not require the District to provide job-protected leave. However, employees may be eligible for leave under another policy or law (*e.g.*, leave for disability for pregnancy/childbirth).

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

**Leave Entitlement:** Eligible employees may be entitled to receive PFML benefits for up to 12 weeks when taking medical or family leave, or for a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of PFML benefits 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 benefits may be available in connection with leave 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 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.



## WASHINGTON PAID FAMILY AND MEDICAL LEAVE PROGRAM POLICY AND PROCEDURE

### APPENDIX A1

**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](http://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 the District 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 District, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the District will advise the employee whether the employee is eligible for job protection under another law or District policy.

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 District operations.

If taking leave intermittently, an employee must notify the District each time PFML leave is taken so that the District 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.

Paid leave accruals (vacation, sick leave, floating holidays, personal leave, or any other accrued leave) are not supplemental to PFML. An employee may elect to use such accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

**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 District policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to District policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

**Job Restoration; Return to Work Recertification:** As discussed above, as a small employer under the PFML, the District is not required to grant job-protected leave. Leave requests will be considered on a case-by-case basis, taking into account any leave entitlements available under other law or policy. In situations where a leave is approved, the District may elect to 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. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the District as soon as possible.



## WASHINGTON PAID FAMILY AND MEDICAL LEAVE PROGRAM POLICY AND PROCEDURE

### APPENDIX A1

#### NOTICE TO EMPLOYEE

#### Statement of Employee Rights

You may qualify for Paid Family and Medical Leave.

Effective Jan. 1, 2020, Washington employees who have worked 820 hours or more in the qualifying period and experience(d) a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement
- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events.

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The Paid Family and Medical Leave Benefit Guide provides information on how to apply for benefits and submit weekly claims. It also explains your rights and responsibilities under the law. Download the guide at [www.paidleave.wa.gov/benefit-guide](http://www.paidleave.wa.gov/benefit-guide).

For more information about how to apply, contact Washington State Employment Security Department (ESD) at 833-717-2273 or visit [www.paidleave.wa.gov](http://www.paidleave.wa.gov).

Important information for if you apply:

HIGHLINE WATER DISTRICT UBI # 578-006-522

HIGHLINE WATER DISTRICT does *not* offer supplemental benefits<sup>1</sup>

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<sup>1</sup> Note: Except during the waiting week, employees cannot use employer provided paid time off at the same time as Paid Family and Medical Leave.

Agenda Item No.: 5.2

Agenda Date: 03/04/20

Reviewed By: [Signature]

**SUBJECT:** Amend Personnel Manual  
Incorporate Washington Paid Family and Medical Leave Program Policy and Procedure

CATEGORY	
<i>Executive</i>	<input type="checkbox"/>
<i>Administrative</i>	<input checked="" type="checkbox"/>
<i>Engineering/Operations</i>	<input type="checkbox"/>

FINANCIAL						
<i>Expenditures?</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
<i>Budgeted?</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
<i>Amount:</i>					\$	_____
<i>Plus WSST</i>						

**ATTACHMENTS:**

1. Resolution 20-3-4B
2. Appendix A1 - Washington Paid Family and Medical Leave Program Policy and Procedure

**COMMENTS:**

The Washington Paid Family and Medical Leave Program (PFML) is a mandatory statewide insurance program, administered by the Employment Security Department (ESD), which provides paid family and medical leave to eligible employees.

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