

SENATE BILL REPORT

SB 5097

As of January 14, 2021

Title: An act relating to expanding coverage of the paid family and medical leave program.

Brief Description: Expanding coverage of the paid family and medical leave program.

Sponsors: Senators Robinson, Keiser, Wilson, C., Van De Wege, Lias, Lovelett, Darneille, Saldaña, Hunt, Das, Stanford, Nguyen, Hasegawa and Conway.

Brief History:

Committee Activity: Labor, Commerce & Tribal Affairs: 1/18/21.

Brief Summary of Bill

- Changes the definition of family member.
- Modifies the requirements for certain employment protections upon return from leave.
- Modifies which employees are eligible for continuation of health benefits during leave.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Staff: Matt Shepard-Koningsor (786-7627)

Background: In 2017, the Paid Family and Medical Leave (PFML) program was enacted to provide partial wage replacement to employees on leave for specified family and medical reasons. Employees are eligible for PFML benefits after working 820 hours in a qualifying period. Premium collection began on January 1, 2019, and benefits were payable as of January 1, 2020. The Employment Security Department administers the program.

The PFML program includes provisions regarding premiums; coverage; the use, duration, and amount of benefits; and an employer option of a voluntary plan, among other

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provisions.

Paid family leave benefits are provided:

- when an employee is bonding after the birth or placement of a child, under the age of 18;
- because of a family member's serious health condition; or
- for a military exigency.

Paid medical leave benefits are provided for an employee's own serious health condition. Serious health condition is defined by statute and has the same meaning as in the federal Family and Medical Leave Act (FMLA) and its regulations.

Definitions. Family member means the employee's child, grandchild, grandparent, parent, sibling, or spouse. Child means a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status. A military exigency relates to leave for short-notice deployments, military events, certain childcare and school activities for a military member's deployment activities, and other specified activities.

Job Protection. An employee returning from leave is entitled to be restored to the same or equivalent job. These job protections apply to an employee of an employer with 50 or more employees, who has worked for the current employer for at least 12 months and for at least 1250 hours during the preceding 12 months, with an exception for certain highest paid employees of the employer.

Continuation of Health Benefits. If required by the FMLA, an employer, including employers with a voluntary plan, must maintain health benefits of the employee during the employee's leave. If the cost of the benefits are shared, each remains responsible for their share.

Summary of Bill: Definitions. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family member is added to the definition of family member.

Job Protection. The current requirements for an employee to be restored to an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment are modified to a requirement that the employee has been employed for 90 days or more.

Continuation of Health Benefits. An employer must maintain existing health benefits during the employee's leave if the employee has been employed by the current employer for 90 days or more.

Appropriation: None.

Fiscal Note: Requested on January 11, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.