
**Labor & Workplace Standards
Committee**

SSB 5586

Brief Description: Concerning employees' paid family or medical leave data.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators King, Robinson and Wellman).

Brief Summary of Substitute Bill

- Authorizes any current employer, third-party administrator, employee, or other person authorized by rule, to access certain information relating to an employee's claim under the Paid Family and Medical Leave Program, subject to certain limitations.

Hearing Date: 3/22/23

Staff: Kelly Leonard (786-7147).

Background:

The Paid Family and Medical Leave (PFML) Program, administered by the Employment Security Department (Department), provides paid family or medical leave for eligible workers who have worked at least 820 hours during a qualifying year. Eligible workers can take up to 12 weeks of medical leave or family leave, or up to 16 to 18 weeks of combined medical and family leave in a year. The PFML Program is funded through premiums paid by employers and employees.

Any information or records concerning an individual or employer obtained by the Department for the administration of the PFML Program are considered private and confidential, with limited exceptions for employers, individuals, and in some instances, third parties. An employer may

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

access:

- its own records relating to any claim or determination for family or medical leave benefits by an individual;
- records and information relating to a decision to allow or deny benefits if the decision is based on material information provided by the employer; and
- records and information related to that employer's premium assessment.

An individual may access records and information concerning himself or herself unless an exemption applies under the Public Records Act. And lastly, a third party may access information when acting on behalf of an individual or employer under certain conditions.

Summary of Bill:

Any current employer, third-party administrator, employee, or other person authorized by rule, collectively referred to as "interested party" in the bill, may access the following records and information related to an employee's paid family or medical leave claim:

- type of leave being taken;
- requested duration of leave including the approved dates of leave;
- remaining hours of leave available in the employee's entitlement;
- weekly benefit amount; and
- actual benefits paid and hours claimed.

The information obtained by the interested party may only be used for the purpose of administering internal employer leave or benefit practices under established employer policies. The Department may investigate unauthorized uses of records and information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2024.