

SSB 5097 - S AMD 136

By Senators King, Conway

WITHDRAWN 03/02/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 50A.15
4 RCW to read as follows:

5 (1) For claims with an effective start date of January 1, 2021
6 through June 30, 2022, employees that do not meet the hours worked
7 threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1) in
8 calendar year 2020 or the first calendar quarter of 2021 are eligible
9 for family and medical leave benefits as provided under subsection
10 (2) of this section.

11 (2) An employee seeking eligibility under this section may use
12 one of the following alternate qualifying periods:

13 (a) Eight hundred twenty hours worked in employment during the
14 first through fourth calendar quarters of 2019;

15 (b) If the employee does not meet the hours worked threshold
16 under (a) of this subsection, 820 hours worked in employment during
17 the second through fourth calendar quarters of 2019 and first
18 calendar quarter of 2020; or

19 (c) If the employee does not meet the hours worked threshold
20 under (a) or (b) of this subsection, 520 hours worked in the first
21 calendar quarter of 2020.

22 (3) (a) Subsections (1) and (2) of this section do not apply to an
23 employee who does not meet the hours worked threshold for eligibility
24 under RCW 50A.15.010 or 50A.30.020(1) because of an employment
25 separation due to misconduct or a voluntary separation unrelated to
26 the COVID-19 pandemic.

27 (b) An employee seeking eligibility under this section must
28 attest, in a manner prescribed by the department, that their failure
29 to meet the hours worked threshold for eligibility under RCW
30 50A.15.010 or 50A.30.020(1) is not due to the reasons specified in
31 (a) of this subsection.

1 (4) For purposes of determining their weekly benefit amount under
2 RCW 50A.15.020(4), the average weekly wage of an employee qualifying
3 for benefits under subsection (2)(c) of this section is the quotient
4 derived by dividing the employee's total wages during the first
5 calendar quarter of 2020 by 13. If the result is not a multiple of
6 \$1, the department must round to the next lower multiple of \$1.

7 (5) This section applies only if specific funding for the
8 purposes of this section, referencing this section by bill or chapter
9 and number, is not provided by June 30, 2021, in the omnibus
10 appropriations act.

11 **Sec. 2.** RCW 50A.30.020 and 2019 c 13 s 57 are each amended to
12 read as follows:

13 (1) ~~((T))~~ Except as provided in section 1 of this act, to be
14 eligible for any family and medical leave, an employee must be in
15 employment for eight hundred twenty hours during the qualifying
16 period, by an employer with a voluntary plan or an employer utilizing
17 the state family and medical leave plan. An employee qualifies for
18 benefits under an employer's voluntary plan after the employee works
19 at least three hundred forty hours for the current employer.

20 (2) An employer with an approved voluntary plan may waive the
21 requirements in subsection (1) of this section, in whole or in part,
22 to allow an employee to be immediately eligible for coverage under
23 the employer's voluntary plan.

24 (3) An employee who had coverage under the state plan retains
25 coverage under the state plan until such time as the employee is
26 qualified for coverage under the new employer's voluntary plan.

27 (4) An employee who was eligible for benefits under a voluntary
28 plan is immediately eligible for benefits under a new employer's
29 voluntary plan."

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30 On page 1, line 2 of the title, after "program;" strike the
31 remainder of the title and insert "amending RCW 50A.30.020; and
32 adding a new section to chapter 50A.15 RCW."

EFFECT: Creates limited alternate eligibility for claims between January 1, 2021, and June 30, 2022, for employees not meeting the existing hours worked threshold for 2020 or the first calendar quarter of 2021, through: Two alternate lookback qualifying periods across 2019 and the first calendar quarter of 2020; and one alternate qualifying period of 520 hours worked in the first quarter of 2020. The alternate eligibility does not apply to employees that do not meet the existing hours worked threshold because of an employment separation due to misconduct or voluntary separations unrelated to the COVID-19 pandemic. Removes provisions regarding the amended definition of family member and modified requirements for certain employment and health benefit protections during leave. Contains a null and void clause.

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