

FINAL BILL REPORT

ESSB 5097

C 232 L 21
Synopsis as Enacted

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

Sponsors: Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Senators Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege and Wilson, C.).

Senate Committee on Labor, Commerce & Tribal Affairs
House Committee on Labor & Workplace Standards
House Committee on Appropriations

Background: Paid Family and Medical Leave. 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 (ESD) 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 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 and its regulations.

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.

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.

PFML Advisory Committee. A Paid Family and Medical Leave Advisory Committee (advisory committee) was created in conjunction with the PFML program. The advisory committee consists of eight voting members, four representing employees and four representing employers. There are two ex officio members, one ESD representative and an Ombuds. The advisory committee may comment on rules, policies, and other specified matters, and study issues as the committee determines.

Summary: Definitions. The definition of family member is expanded to include any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. Family member does not include an individual who simply resides in the same house with no expectation that the employee care for the individual.

Reporting Requirements. In consultation with the advisory committee, ESD must collect and analyze disaggregated data relating to employment protections under the PFML program.

By December 1, 2021, ESD must submit a report to the Legislature with the following information:

- program use by employees covered under approved voluntary plans compared to employees covered under the state plan; and
- program use by employees working for employers with 50 or more employees compared to employees working for employers with fewer than 50 employees.

By June 30, 2022, and June 30, 2023, ESD must submit a report to the Legislature with the following information:

- the number of individuals who used leave under the PFML program as a result of the amended definition of family member in the act; and
- the effects, if any, on the family and medical leave insurance account as a result of the amended definition of family member in the act.

ESD must provide members of the advisory committee opportunity to comment on the reports to the Legislature.

Other. If the number of individuals using leave under the PFML program as a result of the amended definition of family member in the act exceeds 500 individuals in any calendar year before July 1, 2023, the expenses of the additional leave must be paid by the general

fund into the Family and Medical Leave Insurance Account.

Votes on Final Passage:

| | | | |
|--------|----|----|--------------------|
| Senate | 29 | 19 | |
| House | 55 | 42 | (House amended) |
| Senate | 29 | 19 | (Senate concurred) |

Effective: July 25, 2021