

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073**

Chapter 109, Laws of 2021

67th Legislature  
2021 Regular Session

PAID FAMILY AND MEDICAL LEAVE—PANDEMIC LEAVE ASSISTANCE GRANTS

EFFECTIVE DATE: April 21, 2021

Passed by the House April 13, 2021  
Yeas 56 Nays 42

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2021  
Yeas 29 Nays 20

DENNY HECK

**President of the Senate**

Approved April 21, 2021 3:10 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

April 21, 2021

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist, and Harris-Talley)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to expanding coverage of the paid family and  
2 medical leave program; adding a new section to chapter 50A.15 RCW;  
3 adding a new section to chapter 50A.24 RCW; creating new sections;  
4 providing an expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that many  
7 Washington workers have suffered direct effects from the COVID-19  
8 pandemic. Due to the unprecedented global shutdown in response to  
9 COVID-19, many Washington workers who have paid into the paid family  
10 and medical leave insurance program are unable to access their  
11 benefits through no fault of their own. Workers recovering from  
12 COVID-19 or caring for an individual who is severely ill due to  
13 COVID-19 are unable to access their benefits.

14 (2) Therefore, the legislature intends to provide financial  
15 assistance to workers who are not otherwise eligible for paid family  
16 and medical leave due to COVID-19's impact on their ability to meet  
17 the hours worked threshold. The legislature intends to provide a  
18 pandemic leave assistance employee grant to provide an equivalent  
19 benefit to what the worker would otherwise be eligible to receive  
20 under the paid family and medical leave insurance program.  
21 Additionally, the legislature intends to provide a pandemic leave

1 assistance employer grant to help offset small business employers'  
2 costs related to employees on leave who are receiving a pandemic  
3 leave assistance employee grant.

4 (3) The legislature intends to utilize federal funding from the  
5 America rescue plan act to provide financial assistance to COVID-19  
6 impacted workers. The legislature does not intend for this worker  
7 assistance to affect the state's paid family and medical leave  
8 insurance account.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 50A.15  
10 RCW to read as follows:

11 (1) Employees who do not meet the hours worked threshold for  
12 eligibility under RCW 50A.15.010 or 50A.30.020(1), and are otherwise  
13 eligible under Title 50A RCW for a claim with an effective start date  
14 in 2021 through March 31, 2022, are eligible for a pandemic leave  
15 assistance employee grant as provided under this section if they meet  
16 any of the following hours thresholds:

17 (a) Worked 820 hours in employment during the first through  
18 fourth calendar quarters of 2019; or

19 (b) Worked 820 hours in employment during the second through  
20 fourth calendar quarters of 2019 and first calendar quarter of 2020.

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

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

31 (3) Employees may file a claim with the department for a pandemic  
32 leave assistance employee grant beginning August 1, 2021.

33 (4) The amount of the pandemic leave assistance employee grant to  
34 each eligible employee must be equal to the weekly benefit amount  
35 calculated in Title 50A RCW and any rules promulgated thereunder. In  
36 calculating the weekly benefit amount for nonsalaried employees  
37 eligible under subsection (1) of this section, the typical workweek  
38 hours are the quotient derived by dividing the sum of the employee's

1 hours reported by the sum of the number of weeks for which the  
2 employer reported hours.

3 (5) An employee is not eligible for a pandemic leave assistance  
4 employee grant under this section for any week in which the employee  
5 has received, is receiving, or will receive unemployment compensation  
6 under Title 50 RCW, workers' compensation under Title 51 RCW, or any  
7 other applicable federal unemployment compensation, industrial  
8 insurance, or disability insurance laws.

9 (6) Employers with 150 or fewer employees may be eligible for a  
10 pandemic leave assistance employer grant to assist with the costs of  
11 an employee on leave, as provided in section 3 of this act.

12 (7) Grants under this section are available only until funding  
13 provided by the legislature solely for these purposes is exhausted.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 50A.24  
15 RCW to read as follows:

16 (1) The legislature recognizes that costs associated with  
17 employees on leave who have received or will receive a pandemic leave  
18 assistance employee grant under section 2 of this act may  
19 disproportionately impact small businesses. Therefore, the  
20 legislature intends to assist small businesses with the costs of such  
21 employees on leave.

22 (2) Employers with 150 or fewer employees and employers with 50  
23 or fewer employees who are assessed all premiums under RCW  
24 50A.10.030(5)(b) may apply to the department for a pandemic leave  
25 assistance employer grant under this section.

26 (3)(a) An employer may receive a pandemic leave assistance  
27 employer grant of \$3,000 if the employer hires a temporary worker to  
28 replace an employee on leave who has received or will receive a  
29 pandemic leave assistance employee grant under section 2 of this act.

30 (b) For an employee on leave who has received or will receive a  
31 pandemic leave assistance employee grant under section 2 of this act,  
32 an employer may receive a grant of up to \$1,000 as reimbursement for  
33 significant wage-related costs due to the employee's leave.

34 (c) An employer may receive a grant under (a) or (b) of this  
35 subsection, but not both, except that an employer who received a  
36 grant under (b) of this subsection may receive a grant of the  
37 difference between the grant awarded under (b) of this subsection and  
38 \$3,000 if the employee on leave who has received or will receive a  
39 pandemic leave assistance grant under section 2 of this act extended

1 the leave beyond the leave initially planned and the employer hired a  
2 temporary worker for the employee on leave.

3 (4) An employer may apply for a pandemic leave assistance  
4 employer grant no more than once.

5 (5) To be eligible for a pandemic leave assistance employer grant  
6 under this section, the employer must provide the department written  
7 documentation showing the temporary worker hired or significant wage-  
8 related costs incurred are due to an employee on leave who has  
9 received or will receive a pandemic leave assistance employee grant  
10 under section 2 of this act.

11 (6) The department must assess an employer with fewer than 50  
12 employees who receives a pandemic leave assistance employer grant  
13 under this section for all premiums for three years from the date of  
14 receipt of the grant.

15 (7) Pandemic leave assistance employer grants shall not be funded  
16 from the family and medical leave insurance account.

17 (8) For the purposes of this section, the number of employees  
18 must be calculated as provided in RCW 50A.10.030.

19 (9) An employer who has an approved voluntary plan is not  
20 eligible to receive a pandemic leave assistance employer grant under  
21 this section.

22 (10) Grants under this section are available only until funding  
23 provided by the legislature solely for these purposes is exhausted.

24 NEW SECTION. **Sec. 4.** Nothing in this act shall be construed to  
25 limit or interfere with the requirements, rights, and  
26 responsibilities of employers and employees under Title 50A RCW,  
27 except as provided in this act. Employees and employers receiving a  
28 grant under section 2 or 3 of this act must comply with all  
29 provisions of Title 50A RCW and any rules promulgated thereunder.

30 NEW SECTION. **Sec. 5.** The employment security department may  
31 adopt rules to implement this act.

32 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act expire  
33 June 30, 2023.

34 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect immediately.

Passed by the House April 13, 2021.

Passed by the Senate April 7, 2021.

Approved by the Governor April 21, 2021.

Filed in Office of Secretary of State April 21, 2021.

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