

HOUSE BILL REPORT

SSB 5586

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to employees' paid family or medical leave data.

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 History:

Committee Activity:

Labor & Workplace Standards: 3/22/23, 3/28/23 [DPA].

Brief Summary of Substitute Bill
(As Amended By Committee)

- 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.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

Staff: Kelly Leonard (786-7147).

Background:

The Paid Family and Medical Leave (PFML) Program, administered by the Employment

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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 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 Amended 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:

- the type of leave being taken;
- the requested duration of leave including the approved dates of leave; and
- whether the employee was approved for benefits and was paid benefits for any given week.

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.

Amended Bill Compared to Substitute Bill:

The amended bill removes the following from the list of information an interested party may access with respect to an employee's paid family or medical leave claim: (1) the remaining hours of leave available in the employee's entitlement; (2) the weekly benefit amount; and (3) the actual benefits paid and hours claimed. Instead, the amended bill allows an interested party to access information as to whether the employee was approved for benefits and was paid benefits for any given week.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Employers are currently experiencing difficulties with administering PFML benefits. Employers need access to certain claim data in order to manage supplemental leave benefits and also to plan for employee absences. However, current law prohibits the Department from sharing this data with employers. In turn, employers must require employees to self-report the data. This does not conform with the intent of the current confidentiality requirements and privacy protections in the PFML Program. The bill provides employers with limited access to this data, helping to streamline the provision of benefits to employees.

(Opposed) None.

Persons Testifying: Senator Curtis King, prime sponsor; Julia Gorton, Washington Hospitality Association; Alexandra Mather, Pierce Transit; and Joe Kendo, Washington State Labor Council, American Federation of Labor and Congress of Industrial Organizations.

Persons Signed In To Testify But Not Testifying: None.