

SENATE BILL REPORT

SB 5396

As of January 28, 2025

Title: An act relating to supporting the continued employment of pilots applying for federal aviation administration medical certificates.

Brief Description: Supporting the continued employment of pilots applying for federal aviation administration medical certificates.

Sponsors: Senators Lias, Harris, Nobles, Chapman, Saldaña, Cleveland, Krishnadasan, Lovick, Warnick and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/28/25.

Brief Summary of Bill

- Provides that for purpose of the Paid Family and Medical Leave Program (PFML), medical leave also means any leave taken by a pilot during the application process for the issuance of a Federal Aviation Administration (FAA) medical certificate related to mental and neurologic standards.
- Requires the employer to pay the pilot certain compensation during the application process once a pilot has exhausted all available PFML during the FAA medical certification application process related to mental and neurologic standards.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: Federal Aviation Administration Medical Certificates. Most pilots must possess valid Federal Aviation Administration (FAA) medical certificates in order to exercise the privileges of their airman certificates. The periodic medical examinations

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required for medical certification are conducted by designated aviation medical examiners, who are physicians with a special interest in aviation safety and training in aviation medicine. The standards for medical certification are contained in the Federal Aviation Regulations. Pilots who have a history of certain medical conditions described in these standards are mandatorily disqualified from flying. Pilots who do not meet medical standards may still be qualified under special issuance provisions or the exemption process. This may require that either additional medical information be provided or practical flight tests be conducted.

Paid Family and Medical Leave Program—General. The Paid Family and Medical Leave Program (PFML) provides partial wage replacement to employees on leave for specified family and medical reasons. The program is funded through premiums paid by employers and employees. The program is administered by the Employment Security Department (ESD).

Premiums. Premiums are assessed quarterly and remitted to ESD in conjunction with employer reporting in the month following the end of each quarter. Premiums are paid on wages up to the maximum wages subject to tax for Social Security, or the Social Security cap.

The 2025 total PFML premium rate is 0.92 percent. Premiums are split between family leave and medical leave based on the percentage of paid claims for each type of claim. For 2025, the family premium is 48.22 percent and the medical premium is 51.78 percent of the total premium. Employers may withhold from employees up to 100 percent of the family leave premium and up to 45 percent of the medical leave premium. For 2025, this would allocate 71.52 percent of the premiums to employees and 28.48 percent of the premium to employers. Small employers, those with 49 or fewer employees, are generally exempt from paying the employer portion of the premium.

Eligibility and Benefits. Employees are eligible for benefits under PFML after working at least 820 hours in a qualifying period. A qualifying period is the first four of the last five full calendar quarters, or the last four full calendar quarters. The program generally allows for up to 12 weeks of paid family leave or paid medical leave for eligible workers, and under certain circumstances, up to 16 to 18 weeks of combined family and medical leave. Benefits are paid after a seven-day waiting period. An employee is not entitled to leave under certain circumstances, including an employee on suspension from their employment.

Benefits depend on the amount of the employee's average weekly wage and may provide up to 90 percent of the employee's weekly pay for each week of leave. The 2025 maximum weekly PFML benefit is \$1,542 and the minimum is \$100.

Summary of Bill: For purpose of PFML, medical leave also means any leave taken by a pilot from work made necessary during the application process for the issuance of an FAA medical certificate related to mental and neurologic standards, including any period of

reconsideration of the denial of a medical certificate. Pilots suspended from flying due to requirements during the FAA medical certification application process related to mental and neurologic standards are not disqualified from PFML.

Once a pilot has exhausted all available PFML during the FAA medical certification application process related to mental and neurologic standards, the employer must pay the pilot the normal hourly compensation for all hours the pilot would have been regularly scheduled to work during the application process. This requirement will cease if the certificate has received a final denial without the ability to be reconsidered by the FAA. This requirement may not be construed to prevent the termination of a pilot's employment who is physically unable to perform their duties outside of whatever mental or neurological conditions necessitated the medical certification application.

Appropriation: None.

Fiscal Note: Requested on January 25, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.