
SENATE BILL 5539

State of Washington

69th Legislature

2025 Regular Session

By Senators Alvarado, Stanford, Frame, Nobles, Riccelli, Slatter, Trudeau, Valdez, and C. Wilson

Read first time 01/28/25. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to expanding protections for workers in the state
2 paid family and medical leave program; amending RCW 50A.05.020,
3 50A.15.020, 50A.20.010, 50A.20.020, 50A.30.010, 50A.35.010, and
4 50A.35.020; and providing an effective date.

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

6 **Sec. 1.** RCW 50A.05.020 and 2019 c 13 s 30 are each amended to
7 read as follows:

8 (1) The department shall establish and administer the family and
9 medical leave program and pay family and medical leave benefits as
10 specified in this title. The department shall adopt government
11 efficiencies to improve administration and reduce costs. These
12 efficiencies shall include, to the extent feasible, combined
13 reporting and payment, with a single return, of premiums under this
14 title and contributions under chapter 50.24 RCW.

15 (2) The department shall establish procedures and forms for
16 filing applications for benefits under this title. The department
17 shall notify the employer within five business days of an application
18 being filed.

19 (3) The department shall use information sharing and integration
20 technology to facilitate the disclosure of relevant information or

1 records by the department, so long as an employee consents to the
2 disclosure as required under RCW 50A.15.040.

3 (4) Information contained in the files and records pertaining to
4 an employee under this chapter are confidential and not open to
5 public inspection, other than to public employees in the performance
6 of their official duties, except as provided in chapter 50A.25 RCW.

7 (5) The department shall develop and implement an outreach
8 program to ensure that employees who may be qualified to receive
9 family and medical leave benefits under this title are made aware of
10 these benefits. Outreach information shall explain, in an easy to
11 understand format, eligibility requirements, the application process,
12 weekly benefit amounts, maximum benefits payable, notice and
13 certification requirements, reinstatement and nondiscrimination
14 rights, confidentiality, voluntary plans, and the relationship
15 between employment protection, leave from employment, and wage
16 replacement benefits under this title and other laws, collective
17 bargaining agreements, and employer policies. Outreach information
18 shall be available in English and other primary languages as defined
19 in RCW 74.04.025.

20 (6) (a) The department shall conduct regular outreach to employers
21 regarding employer responsibilities under this title, which must
22 include but is not limited to providing information on premium
23 collection under chapter 50A.10 RCW, notice requirements under
24 chapter 50A.20 RCW, and employment protection under chapter 50A.35
25 RCW.

26 (b) The department is authorized to inspect and audit employer
27 files and records relating to the family and medical leave program,
28 including employer voluntary plans. The department shall conduct
29 periodic audits of employer files and records for the purposes of
30 assisting with and otherwise enforcing compliance with this title.

31 **Sec. 2.** RCW 50A.15.020 and 2022 c 233 s 3 are each amended to
32 read as follows:

33 (1) Beginning January 1, 2020, family and medical leave are
34 available and benefits are payable to a qualified employee under this
35 section.

36 (a) Following a waiting period consisting of the first seven
37 consecutive calendar days, benefits are payable when family or
38 medical leave is required. However, no waiting period is required for
39 leave for the birth or placement of a child, or for leave because of

1 any qualifying exigency as defined under RCW 50A.05.010(10)(c). The
2 waiting period begins the previous Sunday of the week when an
3 otherwise eligible employee takes leave for the minimum claim
4 duration under subsection (2)(c) of this section. Eligible employees
5 may satisfy the waiting period requirement while simultaneously
6 receiving paid time off for any part of the waiting period.

7 (b) Benefits may continue during the continuance of the need for
8 family or medical leave, subject to the maximum and minimum weekly
9 benefits, duration, and other conditions and limitations established
10 in this title.

11 (2) The weekly benefit shall be prorated by the percentage of
12 hours on leave compared to the number of hours provided as the
13 typical workweek hours as defined in RCW 50A.05.010.

14 (a) The benefits in this section, if not a multiple of one
15 dollar, shall be reduced to the next lower multiple of one dollar.

16 (b) Hours on leave claimed for benefits under this title, if not
17 a multiple of one hour, shall be reduced to the next lower multiple
18 of one hour.

19 (c) The minimum claim duration payment is for (~~eight~~) four
20 consecutive hours of leave.

21 (3)(a) The maximum duration of paid family leave may not exceed
22 (~~twelve~~) 12 times the typical workweek hours during a period of
23 (~~fifty-two~~) 52 consecutive calendar weeks.

24 (b) The maximum duration of paid medical leave may not exceed
25 (~~twelve~~) 12 times the typical workweek hours during a period of
26 (~~fifty-two~~) 52 consecutive calendar weeks. This leave may be
27 extended an additional two times the typical workweek hours if the
28 employee experiences a serious health condition with a pregnancy that
29 results in incapacity.

30 (c) An employee is not entitled to paid family and medical leave
31 benefits under this title that exceeds a combined total of
32 (~~sixteen~~) 16 times the typical workweek hours. The combined total
33 of family and medical leave may be extended to (~~eighteen~~) 18 times
34 the typical workweek hours if the employee experiences a serious
35 health condition with a pregnancy that results in incapacity.

36 (4)(a) Any paid leave benefits under this chapter used in the
37 postnatal period by an employee eligible for benefits under RCW
38 50A.05.010(23)(a)(ii)(B) must be medical leave, subject to the
39 maximum and minimum weekly benefits, duration, and other conditions

1 and limitations established in this title, unless the employee
2 chooses to use family leave during the postnatal period.

3 (b) Certification of a serious health condition is not required
4 for paid leave benefits used in the postnatal period by an employee
5 eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B).

6 (5) The weekly benefit for family and medical leave shall be
7 determined as follows: If the employee's average weekly wage is: (a)
8 Equal to or less than one-half of the state average weekly wage, then
9 the benefit amount is equal to (~~ninety~~) 90 percent of the
10 employee's average weekly wage; or (b) greater than one-half of the
11 state average weekly wage, then the benefit amount is the sum of: (i)
12 Ninety percent of one-half of the state average weekly wage; and (ii)
13 (~~fifty~~) 50 percent of the difference of the employee's average
14 weekly wage and one-half of the state average weekly wage.

15 (6)(a) The maximum weekly benefit for family and medical leave
16 that occurs on or after January 1, 2020, shall be (~~one thousand~~
17 ~~dollars~~) \$1,000. By September 30, 2020, and by each subsequent
18 September 30th, the commissioner shall adjust the maximum weekly
19 benefit amount to (~~ninety~~) 90 percent of the state average weekly
20 wage. The adjusted maximum weekly benefit amount takes effect on the
21 following January 1st.

22 (b) The minimum weekly benefit shall not be less than (~~one~~
23 ~~hundred dollars~~) \$100 per week except that if the employee's average
24 weekly wage at the time of family or medical leave is less than (~~one~~
25 ~~hundred dollars~~) \$100 per week, the weekly benefit shall be the
26 employee's full wage.

27 **Sec. 3.** RCW 50A.20.010 and 2019 c 13 s 12 are each amended to
28 read as follows:

29 (1) Whenever an employee of an employer who is qualified for
30 benefits under this title is absent from work to provide family
31 leave, or take medical leave for more than seven consecutive days,
32 the employer shall provide the employee with a written statement of
33 the employee's rights under this title in a form prescribed by the
34 commissioner. The statement must be provided to the employee within
35 five business days after the employee's seventh consecutive day of
36 absence due to family or medical leave, or within five business days
37 after the employer has received notice that the employee's absence is
38 due to family or medical leave, whichever is later.

1 (2) The commissioner shall develop the written statement of
2 employee rights to be distributed by an employer under this section.
3 At a minimum, the statement must explain, in an easy to understand
4 format, eligibility requirements, possible weekly benefits,
5 application processes, employment protection rights, and
6 nondiscrimination rights, and direct the employee to appropriate
7 contacts and portals for more information.

8 **Sec. 4.** RCW 50A.20.020 and 2019 c 13 s 13 are each amended to
9 read as follows:

10 Each employer shall post and keep posted, in conspicuous places
11 on the premises of the employer where notices to employees and
12 applicants for employment are customarily posted, a notice, to be
13 prepared or approved by the commissioner, setting forth excerpts
14 from, or summaries of, the pertinent provisions of this title,
15 including, but not limited to: Eligibility requirements, possible
16 weekly benefits, application processes, employment protection rights,
17 nondiscrimination rights, and other protections, and information
18 pertaining to the filing of a complaint. Any employer that willfully
19 violates this section may be subject to a civil penalty of not more
20 than ~~((one hundred dollars))~~ \$100 for each separate offense. Any
21 penalties collected by the department under this section shall be
22 deposited into the family and medical leave enforcement account.

23 **Sec. 5.** RCW 50A.30.010 and 2020 c 125 s 9 are each amended to
24 read as follows:

25 (1) An employer may apply to the commissioner for approval of a
26 voluntary plan for the payment of either family leave benefits or
27 medical leave benefits, or both. The application must be submitted on
28 a form and in the manner as prescribed by the commissioner in rule.
29 The fee for the department's review of each application for approval
30 of a voluntary plan is ~~((two hundred fifty dollars))~~ \$250.

31 (2) The benefits payable as indemnification for loss of wages
32 under any voluntary plan must be separately stated and designated
33 separately and distinctly in the plan from other benefits, if any.

34 (3) Neither an employee nor his or her employer are liable for
35 any premiums for benefits covered by an approved voluntary plan.

36 (4) An employee may only receive payment of benefits for family
37 leave, medical leave, or both from one approved plan at a time. An
38 employee who qualifies for benefits and is simultaneously covered by

1 more than one plan under this title will receive benefits under the
2 plan for which the employee has worked the most hours during the
3 employee's qualifying period. The commissioner must adopt rules to
4 allow benefits or prevent duplication of benefits to employees
5 simultaneously covered by one or more approved voluntary plans and
6 the state program.

7 (5) The commissioner must approve any voluntary plan as to which
8 the commissioner finds that there is at least one employee in
9 employment and all of the following exist:

10 (a) The benefits afforded to the employees must be at least
11 equivalent to the benefits the employees are entitled to as part of
12 the state's family and medical leave program, including but not
13 limited to the duration of leave. The employer must offer at least
14 one-half of the length of leave as provided in RCW 50A.15.020(3) with
15 pay and provide a monetary payment in an amount equal to or higher
16 than the total amount of monetary benefits the employee would be
17 entitled to receive as part of the state-run program. The employer
18 may offer the same duration of leave and monetary benefits as offered
19 under the state program.

20 (b) The sick leave an employee is entitled to under RCW 49.46.210
21 is in addition to the employer's provided benefits and is in addition
22 to any family or medical leave benefits.

23 (c) The plan is available to all of the eligible employees of the
24 employer employed in this state, including future employees.

25 (d) The employer has agreed to make all required payroll
26 deductions, including that:

27 (i) In the case of plan termination or withdrawal, the employer
28 must remit to the department all required moneys under RCW 50A.30.045
29 and 50A.30.065(3); and

30 (ii) If the employer has an approved voluntary plan for either
31 medical leave or family leave but not both, the employer is still
32 obligated to remit to the department premiums owed to the state plan
33 for the portions not covered by the employer's approved voluntary
34 plan.

35 (e) The plan will be in effect for a period of not less than one
36 year and, thereafter, continuously unless the commissioner finds that
37 the employer has given notice of withdrawal from the plan in a manner
38 specified by the commissioner in rule. The plan may be withdrawn by
39 the employer on the date of any law increasing the benefit amounts or
40 the date of any change in the rate of employee premiums, if notice of

1 the withdrawal from the plan is transmitted to the commissioner not
2 less than (~~thirty~~) 30 days prior to the date of that law or change.
3 If the plan is not withdrawn, it must be amended to conform to
4 provide the increased benefit amount or change in the rate of the
5 employee's premium on the date of the increase or change.

6 (f) The amount of payroll deductions from the wages of an
7 employee in effect for any voluntary plan may not exceed the maximum
8 payroll deduction for that employee as authorized under RCW
9 50A.10.030. The deductions may not be increased on other than an
10 anniversary of the effective date of the plan, except to the extent
11 that any increase in the deductions from the wages of an employee do
12 not exceed the maximum rate authorized under the state program.

13 (g) The voluntary plan provides that an employee of an employer
14 with a voluntary plan for either family leave or medical leave, or
15 both, is eligible for the plan benefits if the employee meets the
16 requirements of RCW 50A.15.010 and has worked at least (~~three~~
17 ~~hundred forty~~) 340 hours for the employer during the (~~twelve~~) 12
18 months immediately preceding the date leave will commence.

19 (h) The voluntary plan provides that an employee of an employer
20 with a voluntary plan for either family leave or medical leave, or
21 both, who takes leave under the voluntary plan is entitled to (~~the~~)
22 employment protection (~~provisions~~) in accordance with the
23 requirements contained in RCW 50A.35.010 (~~if the employee has worked~~
24 ~~for the employer for at least nine months and nine hundred sixty-five~~
25 ~~hours during the twelve months immediately preceding the date leave~~
26 ~~will commence~~)).

27 (i) The voluntary plan provides that the employer maintains the
28 employee's existing health benefits as provided under RCW 50A.35.020.

29 (6) (a) The department must conduct a review of the expenses
30 incurred in association with the administration of the voluntary
31 plans during the first three years after implementation and report
32 its findings to the legislature.

33 (b) The review must include an analysis of the adequacy of the
34 fee in subsection (1) of this section to cover the department's
35 administrative expenses related to reviewing and approving or denying
36 the applications and administering appeals related to voluntary
37 plans. The review must include an estimate of the next year's
38 projected administrative costs related to the voluntary plans. The
39 legislature shall adjust the fee in subsection (1) of this section as

1 needed to ensure the department's administrative expenses related to
2 the voluntary plans are covered by the fee.

3 (c) If the current receipts from the fee in subsection (1) of
4 this section are inadequate to cover the department's administrative
5 expenses related to the voluntary plans, the department may use funds
6 from the family and medical leave insurance account under RCW
7 50A.05.070 to pay for these expenses.

8 **Sec. 6.** RCW 50A.35.010 and 2019 c 13 s 4 are each amended to
9 read as follows:

10 (1) (a) Except as provided in RCW 50A.30.010(5) and subsections
11 (6) and (7) of this section, ~~((any))~~ an employee ~~((who takes family))~~
12 is entitled to employment restoration upon returning from:

13 (i) Family or medical leave under this title, regardless of
14 whether the employee also qualifies for and receives concurrent leave
15 under the federal family and medical leave act of 1993 (Act Feb. 5,
16 1993, P.L. 103-3, 107 Stat. 6, as it existed on the effective date of
17 this section), as provided under RCW 50A.15.110; or

18 (ii) Unpaid leave protected by the federal family and medical
19 leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6, as it
20 existed on the effective date of this section) during a period in
21 which the employee was eligible for benefits under this title but did
22 not apply for and receive those benefits, excluding unpaid sick leave
23 or temporary disability taken for pregnancy or childbirth under
24 chapter 49.60 RCW or as an accommodation under RCW 43.10.005, subject
25 to the notice requirements in subsection (8) of this section.

26 (b) For purposes of this section, "employment restoration" and
27 "employment protection" mean that the employee is entitled, on return
28 from the leave:

29 ~~((a))~~ (i) To be restored by the employer to the position of
30 employment held by the employee when the leave commenced; or

31 ~~((b))~~ (ii) To be restored by the employer to an equivalent
32 position with equivalent employment benefits, pay, and other terms
33 and conditions of employment.

34 (2) The taking of leave under this title may not result in the
35 loss of any employment benefits accrued before the date on which the
36 leave commenced.

37 (3) Nothing in this section shall be construed to entitle any
38 restored employee to:

1 (a) The accrual of any seniority or employment benefits during
2 any period of leave; or

3 (b) Any right, benefit, or position of employment other than any
4 right, benefit, or position to which the employee would have been
5 entitled had the employee not taken the leave.

6 (4) As a condition of restoration under subsection (1) of this
7 section for an employee who has taken medical leave, the employer may
8 have a uniformly applied practice or policy that requires each such
9 employee to receive certification from the employee's health care
10 provider that the employee is able to resume work.

11 (5) Nothing in this section shall be construed to prohibit an
12 employer from requiring an employee on leave to report periodically
13 to the employer on the status and intention of the employee to return
14 to work.

15 (6) (a) This section does not apply unless the employee(~~(i)~~
16 ~~Works for an employer with fifty or more employees; (ii) has been~~
17 ~~employed by the current employer for twelve months or more; and (iii)~~
18 ~~has worked for the current employer for at least one thousand two~~
19 ~~hundred fifty hours during the twelve months immediately preceding~~
20 ~~the date on which leave will commence. For the purposes of this~~
21 ~~subsection, an employer shall be considered to employ fifty or more~~
22 ~~employees if the employer employs fifty or more employees for each~~
23 ~~working day during each of twenty or more calendar workweeks in the~~
24 ~~current or preceding calendar year)) began employment with the
25 current employer at least 90 calendar days before taking the leave.~~

26 (b) An employer may deny restoration under this section to any
27 salaried employee who is among the highest paid (~~(ten))~~ 10 percent of
28 the employees employed by the employer within (~~(seventy-five))~~ 75
29 miles of the facility at which the employee is employed if:

30 (i) Denial is necessary to prevent substantial and grievous
31 economic injury to the operations of the employer;

32 (ii) The employer notifies the employee of the intent of the
33 employer to deny restoration on such basis at the time the employer
34 determines that the injury would occur; and

35 (iii) The leave has commenced and the employee elects not to
36 return to employment after receiving the notice.

37 (7) (a) Except by agreement between the employer and employee, the
38 employee forfeits the right to employment restoration under this
39 section if the employee does not exercise it upon the earlier of:

1 (i) The first scheduled work day following the period of leave
2 under subsection (1)(a) of this section; or

3 (ii) The first scheduled work day following a continuous period
4 of, or combined intermittent periods of a total of, 16 typical
5 workweeks of leave under subsection (1)(a) of this section taken
6 during a period of 52 consecutive calendar weeks, except this period
7 is extended to 18 typical workweeks of leave under subsection (1)(a)
8 of this section taken during a period of 52 consecutive calendar
9 weeks if any of the leave was taken as a result of a serious health
10 condition with a pregnancy resulting in incapacity.

11 (b) For any continuous period of leave exceeding two typical
12 workweeks or any combined intermittent periods of leave exceeding 14
13 typical workweeks, the employer must provide at least five business
14 days advance written notice to the employee, in a language understood
15 by the employee and transmitted by a method reasonably certain to be
16 received promptly by the employee, regarding the estimated expiration
17 of the right of employment restoration and the date of the employee's
18 first scheduled work day under this subsection.

19 (c) The expiration of the periods under (a)(ii) of this
20 subsection does not affect an employee's eligibility for paid family
21 and medical leave benefits under this title.

22 (8)(a) In order for unpaid leave under subsection (1)(a)(ii) of
23 this section to qualify for employment restoration rights under this
24 section and count towards the maximum periods in subsection
25 (7)(a)(ii) of this section, the employer must provide written notice
26 to the employee, in a language understood by the employee and
27 transmitted by a method reasonably certain to be received promptly by
28 the employee, of the following:

29 (i) That the employer is designating and counting the employee's
30 unpaid leave against the employee's entitlement under the federal
31 family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3,
32 107 Stat. 6, as it existed on the effective date of this section),
33 including specifying the amount of the entitlement used and
34 remaining;

35 (ii) The start and end dates of the employer's designated 12-
36 month leave year under the federal family and medical leave act of
37 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6, as it existed on the
38 effective date of this section);

39 (iii) Since the employee is eligible for paid family or medical
40 leave under this title but is not applying for and receiving

1 benefits, that the employer is counting the unpaid leave towards the
2 maximum periods in subsection (7)(a)(ii) of this section, including
3 specifying the start and end dates of the unpaid leave, and the total
4 amount of the unpaid leave counting toward those maximum periods; and

5 (iv) That the use of unpaid leave counting against the periods in
6 subsection (7)(a)(ii) of this section does not affect the employee's
7 eligibility for paid family or medical leave benefits under this
8 title.

9 (b) The employer must provide the written notice required by this
10 subsection:

11 (i) Within five business days of the earlier of either the
12 employee's initial request for or use of unpaid leave protected by
13 the federal family and medical leave act of 1993 (Act Feb. 5, 1993,
14 P.L. 103-3, 107 Stat. 6, as it existed on the effective date of this
15 section); and

16 (ii) At least monthly for the remainder of the employer's
17 designated 12-month leave year.

18 (9) For purposes of auditing compliance or otherwise enforcing
19 this chapter, the department may require the employer to collect and
20 report information on the exercise of employment restoration rights
21 under this section.

22 (10) This section does not alter or limit the rights and
23 protections available to employees under other state or federal laws,
24 including but not limited to sick leave or temporary disability taken
25 for pregnancy or childbirth under chapter 49.60 RCW or as an
26 accommodation under RCW 43.10.005, sick leave taken under RCW
27 49.46.210, or leave protected by the federal family and medical leave
28 act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6, as it existed
29 on the effective date of this section).

30 **Sec. 7.** RCW 50A.35.020 and 2019 c 13 s 39 are each amended to
31 read as follows:

32 ~~((If required by the federal family and medical leave act, as it~~
33 ~~existed on October 19, 2017)) (1) Except as provided under subsection
34 (2) of this section, during any period of family or medical leave
35 taken under this title, the employer shall maintain any existing
36 health benefits of the employee in force for the duration of such
37 leave as if the employee had continued to work from the date the
38 employee commenced family or medical leave until the date the
39 employee returns to employment. If the employer and employee share~~

1 the cost of the existing health benefits, the employee remains
2 responsible for the employee's share of the cost.

3 (2) This section does not apply ((to an)) if:

4 (a) An employee ((who)) is not ((in employment for an)) employed
5 by the employer at the time of filing an application for benefits;

6 (b) An employee is not entitled to employment protection under
7 RCW 50A.35.010; or

8 (c) The employee did not exercise the right to employment
9 protection within the time periods provided under RCW 50A.35.010(7).

10 NEW SECTION. Sec. 8. This act takes effect January 1, 2026.

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