

Chapter 192-620 WAC
WEEKLY BENEFITS

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WAC

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WAC 192-620-005 What is the minimum claim duration? (1) The minimum claim duration for paid family or medical leave is eight consecutive hours in a week. If an employee on leave claims eight consecutive hours at any point during a week, the minimum claim duration is satisfied.

Example 1: An employee typically works six-hour shifts each weekday. The employee takes leave Monday, works Tuesday and Wednesday, and takes leave Thursday and Friday. The minimum claim duration requirement would be satisfied with the leave taken Thursday and Friday. That employee could also include the hours missed on Monday in the weekly claim.

(2) If an employee on leave typically works less than eight-hour shifts, the employee will meet the requirement of a minimum claim when the employee has missed eight consecutive hours at any point during a week the employee typically would have been scheduled.

Example 2: An employee typically works four-hour shifts. The employee will need to take two consecutive shifts of leave in a week to have a minimum claim.

[Statutory Authority: RCW 50A.04.215. WSR 19-13-001, § 192-620-005, filed 6/5/19, effective 7/6/19.]

WAC 192-620-010 How should employees request benefit payments?

- (1) An employee must file a weekly claim to receive benefits.
- (2) An employee may file a weekly claim by:
 - (a) Using the department's online services;
 - (b) Using the department's telephone services; or
 - (c) The commissioner may authorize alternative methods of filing weekly claims.
- (3) A weekly claim can only be made after the end of the week being claimed.
- (4) A weekly claim must be completed in its entirety. Incomplete weekly claims will not be processed.
- (5) No more than four weeks of claims can be made at one time, except in limited circumstances, such as backdating for good cause as defined in WAC 192-610-040.

[Statutory Authority: RCW 50A.04.215. WSR 19-13-001, § 192-620-010, filed 6/5/19, effective 7/6/19.]

WAC 192-620-020 What information will the department request from an employee when filing for weekly benefits? (1) The department must determine if an employee qualifies for benefits when the employee files a weekly claim for the payment of benefits. For the week that the employee is claiming, the department will ask if the employee:

(a) Worked for wages during the week, and for the hours associated with that work;

(b) Received any paid leave such as vacation leave, sick leave, or other paid time off that was not considered a supplemental benefit payment provided by the employer, and the hours associated with that leave;

(c) Received any benefit that may disqualify the employee for paid family or medical leave, such as unemployment insurance; and

(d) Experienced a change in the qualifying event that affects the eligibility for, or duration of, paid family or medical leave benefits.

(2) The employee may be asked to provide additional information.

[Statutory Authority: RCW 50A.05.060 and 50A.25.030. WSR 21-11-009, § 192-620-020, filed 5/7/21, effective 6/7/21. Statutory Authority: RCW 50A.04.215. WSR 19-13-001, § 192-620-020, filed 6/5/19, effective 7/6/19.]

WAC 192-620-025 What happens if an employee is being conditionally paid benefits? (1) If an employee is a continued claim recipient, and eligibility is questioned by the department, the employee will be conditionally paid benefits for weeks the employee claims without delay.

(2) The employee may request the department to hold conditional payments until the question of eligibility is resolved when the employee has been notified the department questions their eligibility.

(3) An overpayment for a conditionally paid week cannot be waived and must be repaid.

[Statutory Authority: RCW 50A.04.215. WSR 19-13-001, § 192-620-025, filed 6/5/19, effective 7/6/19.]

WAC 192-620-026 What is the maximum amount of paid family or medical benefits to which an employee is entitled in a claim year?

(1) In any given claim year, an employee is not entitled to paid family or medical leave benefit payments that exceed an amount equal to:

(a) The employee's weekly benefit amount multiplied by twelve for family leave;

(b) The employee's weekly benefit amount multiplied by twelve for medical leave; or

(c) The employee's weekly benefit amount multiplied by sixteen for a combination of family and medical leave.

(2) The amounts in subsection (1)(b) and (c) of this section may be increased by an amount equal to the employee's weekly benefit amount for medical leave multiplied by two if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(3) An overpayment waived under WAC 192-640-015 shall be charged against the employee's applicable entitlement for the claim year con-

taining the weeks to which the overpayment was attributed as though such benefits had been properly paid.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-026, filed 11/19/19, effective 12/20/19.]

WAC 192-620-030 How do supplemental benefit payments affect employer requirements and weekly benefit payments? (1) Supplemental benefits made by an employer to an employee are excluded from the definition of wages in RCW 50A.05.010.

(2) Employers should not report supplemental benefit payments or associated hours to the department.

(3) Employees should not report hours of paid time off that have been offered as supplemental benefit payments by the employer to the department on the weekly application for benefits.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-030, filed 11/19/19, effective 12/20/19.]

WAC 192-620-035 When will a weekly benefit amount be prorated?

(1) For an employee on paid family or medical leave, a weekly benefit amount is prorated when:

(a) The employee reports hours worked for wages;

(b) The employee reports hours for paid sick leave, paid vacation leave, or other paid time off that is not considered a supplemental benefit payment as defined in WAC 192-500-180; or

(c) The employee files a weekly application for benefits that contains a day or days for which the employee was not approved for paid family or medical leave.

(2) If an employee reports hours under subsection (1)(a) or (b) of this section, proration will be calculated as specified by RCW 50A.15.020(2).

(3) This section does not apply to a week that is claimed to satisfy an employee's waiting period.

(4) If an employee is approved for leave for part of a week under subsection (1)(c) of this section, proration for that week will occur as follows:

(a) The employee's typical workweek hours are multiplied by the number of days approved for leave, then divided by seven. The result is rounded down to the nearest whole hour. This amount is the employee's adjusted typical workweek hours.

(b) Any hours worked or taken as paid time off as reported by the employee are then subtracted from the employee's adjusted typical workweek hours. This amount will be the number of hours of paid family or medical leave claimed for that week.

(c) The number of hours claimed for that week are then divided by the employee's typical workweek hours to produce a percentage.

(d) The resulting percentage is then multiplied by the employee's normal weekly benefit amount. The resulting amount, rounded down to the nearest whole dollar, is the employee's benefit payment for that week.

Example 1: An employee has already served a waiting period in the claim year and files a claim for a week of paid medical leave. The employee typically works 40 hours a week at eight hours per day. In the week for which the employee is claiming, the employee claimed one day

of paid medical leave and worked the other four days. This employee's weekly benefit is usually \$800. The weekly benefit would then be prorated by the hours on paid medical leave (eight hours) relative to the typical workweek hours (40 hours). Eight hours is 20 percent of 40 hours. The employee's weekly benefit would be prorated to 20 percent for a total of \$160.

Example 2: An employee with typical workweek hours of 40 and a weekly benefit amount of \$1,000 is approved for leave through Thursday. The employee is not approved for leave Friday or Saturday. For this week only, the following proration will occur:

(a) The employee's typical workweek hours (40) are multiplied by the number of approved days of leave for that week (five) and then divided by seven and rounded down. The result is an adjusted typical workweek hours of 28.

(b) The employee reports no hours of work or paid time off for that week. The resulting number of hours claimed for that week are 28.

(c) The number of hours claimed for that week (28) are then divided by the employee's normal typical workweek hours (40). This results in a percentage of 70 percent.

(d) The percentage (70) is then multiplied by the employee's weekly benefit amount (\$1,000). For that week, the employee will receive \$700.

Example 3: An employee with typical workweek hours of 40 and a weekly benefit amount of \$1,000 is approved for leave through Thursday. The employee is not approved for leave Friday or Saturday. For this week only, the following proration will occur:

(a) The employee's typical workweek hours (40) are multiplied by the number of approved days of leave for that week (five) and then divided by seven and rounded down. The result is an adjusted typical workweek hours of 28.

(b) The employee reports eight hours of work and eight hours of paid time for that week. The adjusted workweek hours are reduced to reflect 16 hours of work and paid time. The resulting number of hours claimed for that week are 12.

(c) The number of hours claimed for that week (12) are then divided by the employee's normal typical workweek hours (40). This results in a percentage of 30 percent.

(d) The percentage (30) is then multiplied by the employee's weekly benefit amount (\$1,000). For that week, the employee will receive \$300.

[Statutory Authority: RCW 50A.05.060 and 50A.15.020. WSR 22-10-031, § 192-620-035, filed 4/26/22, effective 6/9/22; WSR 21-18-082, § 192-620-035, filed 8/30/21, effective 9/30/21. Statutory Authority: RCW 50A.05.060 and 50A.25.030. WSR 21-11-009, § 192-620-035, filed 5/7/21, effective 6/7/21. Statutory Authority: RCW 50A.05.060. WSR 20-20-073, § 192-620-035, filed 10/2/20, effective 11/2/20. Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-035, filed 11/19/19, effective 12/20/19.]

WAC 192-620-040 How will the department determine the number of hours of paid family or medical leave an employee claims each week?

(1) When the employee submits a weekly application for benefits as described in WAC 192-620-020, the department will determine the number of hours claimed by the employee for that week by determining the typ-

ical workweek hours as described in WAC 192-610-050, then deducting the number of hours:

(a) Physically worked by the employee; and

(b) Claimed by the employee as sick leave, vacation leave, or other paid time off that has not been offered as a supplemental benefit by the employer.

(2) The result of the calculation in subsection (1) of this section will be deducted from the employee's duration of paid family and medical leave for the current claim year and, if necessary, for the purposes of proration as described in WAC 192-620-035.

(3) This section does not apply to a week that is claimed to satisfy an employee's waiting period.

[Statutory Authority: RCW 50A.05.060 and 50A.15.020. WSR 22-10-031, § 192-620-040, filed 4/26/22, effective 6/9/22. Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-040, filed 11/19/19, effective 12/20/19.]

WAC 192-620-045 How will the department reduce a payment if the employee owes child support? (1) After being properly notified by a child support agency, the department will withhold a portion of an employee's benefit payment to send to the agency to satisfy child support obligations.

(2) The child support agency is responsible for notifying the employee of the order to deduct child support from paid family or medical leave benefits.

(3) Benefits deducted to satisfy child support obligations are considered paid to the employee. If an employee receives benefits to which the employee is not entitled, the amount deducted to satisfy child support obligations will be included in the overpayment.

(4) The child support agency is responsible for reimbursing the employee if the amount deducted from the employee's benefits is greater than the employee is required to pay to satisfy the employee's child support obligations. If an amount less than the employee is required to pay is deducted from the employee's benefits, the department will deduct the additional amount from future benefit weeks.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-045, filed 11/19/19, effective 12/20/19.]

WAC 192-620-046 How can an employee appeal a deduction from weekly benefit payments to satisfy child support obligations? (1) The employee must file an appeal concerning the validity of the child support order, the total amount due, or the amount to be deducted from the employee's benefits, with the child support agency.

(2) The employee may file an appeal concerning the department's authority to deduct child support from paid family or medical leave benefits, the weeks for which the deduction is made, and the accuracy of the amount deducted with the department in the same manner as eligibility decisions are appealed. All laws and rules pertaining to benefit appeals apply to appeals under this subsection.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-620-046, filed 11/19/19, effective 12/20/19.]