

Chapter 192-600 WAC
EMPLOYEE NOTICE TO EMPLOYER

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WAC

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WAC 192-600-005 When must an employee provide notice to the employer for foreseeable leave? (1) (a) An employee must provide the employer at least thirty days' written notice before paid family or medical leave is to begin if the need for the leave is foreseeable based on an expected birth, placement of a child, or planned medical treatment for a serious health condition.

(b) An employee must provide the employer written notice as soon as is practicable when thirty days' notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency.

(2) An employee must provide the employer written notice as soon as is practicable for foreseeable leave due to a qualifying military exigency, regardless of how far in advance such leave is foreseeable.

(3) Whether paid family or medical leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, written notice need only be given one time, but the employee must inform the employer as soon as is practicable if dates of the scheduled leave change, are extended, or were initially unknown.

[Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-600-005, filed 3/22/19, effective 4/22/19.]

WAC 192-600-010 When must an employee provide notice for unforeseeable leave? (1) When the need for leave is not foreseeable, an employee must provide written notice to the employer as soon as is practicable under the facts and circumstances of the particular situation.

(2) If the employee is unable to provide notice personally, written notice may be given by another responsible party, such as the employee's spouse, neighbor, or coworker.

Example 1: An employee's spouse is in a car accident and is taken to the emergency room. The employee would not be required to leave the spouse in the emergency room in order to report the absence while the spouse is receiving emergency treatment. The employee would be expected to provide written notice, such as an email, to the employer as soon as is practicable.

Example 2: An employee is in a car accident and is taken to the emergency room for emergency surgery. The employee's parent may provide written notice on behalf of the employee as soon as is practicable.

[Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-600-010, filed 3/22/19, effective 4/22/19.]

WAC 192-600-015 What does "as soon as is practicable" mean for this chapter? For the purposes of this chapter, "as soon as is practicable" means as soon as it is both possible and practical to provide notice, taking into account all of the facts and circumstances in the individual situation. When an employee becomes aware of a need for paid family or medical leave less than thirty days in advance, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

[Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-600-015, filed 3/22/19, effective 4/22/19.]

WAC 192-600-020 What must an employee's notice for leave to an employer include? An employee must provide written notice to make the employer aware that the employee may need paid family or medical leave. The notice must contain at least the anticipated timing and duration of the leave. Written notice includes, but is not limited to, handwritten or typed notices, and all forms of written electronic communications such as text messages and email.

[Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-600-020, filed 3/22/19, effective 4/22/19.]

WAC 192-600-025 What happens if an employee fails to provide proper notice? If the department determines that the employee failed to provide proper notice to the employer, the employee's benefits will be denied for a period of time equal to the number of days that notice was insufficient.

Example: If an employee should have provided thirty days' notice for a qualifying event the employee was aware of sixty days in advance, but instead the employee provided notice fifteen days prior to the scheduled leave, the department will deny paid family or medical leave benefits for fifteen days. The employee is not required to file a new initial application for benefits. After the required fifteen days, the employee may start receiving benefits upon proper filing of weekly claims if otherwise eligible.

[Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-600-025, filed 3/22/19, effective 4/22/19.]

WAC 192-600-030 Can an employer waive the employee's notice requirements? Employers may waive the notice requirements of this chapter.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-600-030, filed 11/19/19, effective 12/20/19.]