

WSR 22-24-026  
PERMANENT RULES  
OFFICE OF

FINANCIAL MANAGEMENT

[Filed November 30, 2022, 1:33 p.m., effective January 1, 2023]

Effective Date of Rule: January 1, 2023.

Purpose: Washington's paid family and medical leave, or PFML insurance program, as codified in Title 50A RCW, became effective on October 19, 2017. Beginning January 1, 2020, the PFML program provides a partial wage replacement for Washington workers for an employee's own medical condition, to care for family members, bonding with a child or for certain military-related events. Under the PFML program, the employment security department will replace up to 90 percent of an employee's average weekly wage (up to \$1,000 per week). During the 2019 legislative session, the law was amended to allow the employer to offer a "supplemental benefit" to employees while they are on approved PFML. Chapter 233, Laws of 2022 (2SSB 5649), effective June 9, 2022, expanded Title 50A RCW to provide seven calendar days of leave to an employee following the death of their child when the employee would have (1) been approved for medical leave for the birth of their child; or (2) approved for family leave to bond with their child during the first 12 months after the child's birth or placement. Amend WAC 357-31-248 to add bereavement leave as a supplemental benefit during a period an employee is receiving partial wage replacement for paid family and/or medical leave for the death of an employee's family member or household member in accordance with WAC 357-31-250.

Citation of Rules Affected by this Order: Amending WAC 357-31-248.

Statutory Authority for Adoption: RCW 41.06.133.

Adopted under notice filed as WSR 22-20-097 on October 4, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 30, 2022.

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OTS-4084.1

AMENDATORY SECTION (Amending WSR 22-01-022, filed 12/3/21, effective 7/1/22)

**WAC 357-31-248** May an employee use vacation leave, sick leave, personal holiday, compensatory time, holiday credit, recognition leave, bereavement leave, or holiday pay as a supplemental benefit during a period when the employee is receiving partial wage replacement for paid family and/or medical leave under Title 50A RCW? An employee may use vacation leave, sick leave, personal holiday, compensatory time, holiday credit, recognition leave, bereavement leave, or holiday pay during a period when the employee is receiving partial wage replacement under Title 50A RCW as a supplemental benefit. The use of bereavement leave as a supplemental benefit is limited to the death of an employee's family member or household member in accordance with WAC 357-31-250.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-01-022, § 357-31-248, filed 12/3/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW and RCW 50A.15.060. WSR 20-06-008, § 357-31-248, filed 2/20/20, effective 5/1/20.]