



Overview of Family Leave Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city family leave laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (ABetterBalance.org)</p>	<p>Washington</p>
<p>What purposes can leave be used for?</p>	<p>Medical leave can be used for a worker's own serious health condition.</p> <p>Family leave can be used (1) to bond with a child within one year of the child's birth or placement; (2) to care for a family member with a serious health condition; (3) to address certain military family needs; or (4) following the death of a child in certain circumstances.</p> <p><i>Specifically, family leave can be taken "[d]uring the seven calendar days following the death of the family member for whom the employee: (i) [w]ould have qualified for medical leave . . . for the birth or their child; or (ii) [w]ould have qualified for family leave" to bond with a child within one year of the child's birth or placement.</i></p>
<p>Who is covered? California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details</p>	<p>All employees are covered.</p>
<p>Are public sector workers automatically covered? Note that no state law covers federal employees.</p>	<p>Yes.</p>

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Are domestic workers covered?	Yes.
Can self-employed workers opt-in to coverage?	<p>Yes.</p> <p><i>From July 1, 2024 through December 31, 2028, drivers at Transportation Network Companies (TNCs) who have opted in to the state paid family and medical leave program for both family and medical leave may be entitled to have their premiums reimbursed by their TNC company.</i></p>
What are the requirements to qualify for benefits?	<p>Workers must have worked at least 820 hours in the qualifying period.</p> <p>The qualifying period means the first 4 of the 5 most recently completed quarters or the 4 most recent completed quarters.</p> <p>This can combine hours worked at more than one employer.</p>
What family members are covered?	<p>A family member includes a worker’s child, child’s spouse or domestic partner, grandchild, grandparent, parent, parent-in-law or parent of the worker’s registered domestic partner, sibling, spouse, registered domestic partner, any individual who regularly resides in a worker’s home where there is an expectation that the worker care for the individual, or any individual where the relationship creates the expectation that the worker care for the individual and that individual depends on the worker for care.</p>



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How is the program funded?

Workers and employers share the cost of medical leave. Employers can withhold up to 45% of the premium from workers' wages; employers cover the remaining cost.

A self-employed individual who elects coverage is only required to pay the portion of the premium required from workers.

Employers with fewer than 50 employees in Washington State are not required to pay the employer portion. Currently, the total premium for medical leave is about 0.38% of wages.

Workers cover the full cost of family leave. Currently, the premium is about 0.36% of wages.

The initial total premium for both family and medical leave will be set at 0.4% of employees' wages, one third of which shall be associated with family leave and two thirds of which shall be associated with medical leave. The state will set the premium in subsequent years based on a formula set by statute. In addition, the state will set the maximum wages subject to premium contributions based on the maximum wages subject to social security taxation. Employers may choose to cover all or part of employees' share of the premium for family and/or medical leave.

Premiums do not apply to wages above the Social Security contribution base.



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What percentage of wages do workers receive?

90% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 50% of the statewide average weekly wage

What is the maximum weekly benefit?

90% of the statewide average weekly wage
Current: \$1,456/week



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For how long can a worker receive benefits?

Own health: Up to 12 weeks in a 52-week period. *Technically, workers are entitled to medical leave benefits for up to 12 times their typical workweek hours. As noted below, medical leave may be extended by an additional 2 weeks (2 times a worker's typical workweek hours) if the worker experiences a serious health condition with a pregnancy that results in incapacity.*

Family leave: Up to 12 weeks in a 52-week period. *Technically, workers are entitled to family leave benefits for up to 12 times their typical workweek hours.*

Following the death of a child in certain circumstances: During the 7 calendar days following the death.

Total: Up to 16 weeks in a 52-week period. *Technically, workers are entitled to up to a cumulative 16 times the worker's typical workweek hours of family and medical leave in a 52-week period or up to a cumulative 18 times the worker's typical workweek hours of family and medical leave in a 52-week period if the worker experiences a serious health condition with a pregnancy that results in incapacity.*

Workers with certain pregnancy-related health needs may receive up to an additional 2 weeks of benefits, which can be combined with other uses up to a total of 18 weeks in a 52-week period.



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Is there an unpaid waiting period?

Own health other than following the birth of a child and family leave other than bonding leave and military family leave: Yes—there is a 7-day unpaid waiting period.
Own health following the birth of a child, bonding leave, and military family leave: No.

Are workers entitled to have their jobs back when they return?

Yes, but only for workers who meet specific eligibility criteria similar to those for the FMLA. *Workers are entitled to job protection under the state paid family and medical leave law only if they work for an employer with at least 50 employees, have been employed by that employer for at least 12 months, and have worked for that employer for at least 1,250 hours during the 12-month period immediately preceding leave. A worker entitled to job protection under the law must be restored to the worker's prior position or "an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment."* Some highly paid employees may be subject to a very narrow exception. *Workers who receive health insurance through their employers are entitled to continuation of those benefits while on leave if their employers would be required to continue benefits under the Family and Medical Leave Act.* *Workers may have protections under other laws, such as the FMLA.*



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How is the insurance provided?

By default, workers are covered by the state fund. Employers can apply for approval of a voluntary plan, which must provide benefits at least equivalent to those available through the state.

Statutory Citation

Wash. Rev. Code § 50A.05.005 et seq.