

Side-by-Side Comparison of Paid Family Leave Proposals in WA State 2017

	Current Law/Family Leave Act/Paid Sick Leave	Democrat Proposal (HB 1116 and SB 5032)	Republican Proposal One (SB 5149)	Rep Proposal Two – BILL IS NOT YET INTRODUCED
When are benefits available	<p>Benefits paid when a woman works for an employer with more than 50 employees within 75 miles of the pregnant woman's worksite. The FLA leave of 12 weeks is added to the current FMLA allowed under federal law, to be applied after the woman is medically cleared to return to work.</p> <p>Employees can use FLA to also care for a sick family member or their own illness for up to 12 weeks unpaid leave IF the individual is also covered under FMLA.</p>	<p>Benefits are payable when an individual is unable to work because the individual is on leave for a family member's or the individuals' own serious health condition, in addition to birth or placement of a child. Leave may also be taken for a military exigency.</p>	<p>Benefits are payable when an individual is unable to work because the individual is on leave for a family member's or the individuals' own serious health condition, in addition to birth or placement of a child.</p>	<p>Birth of a child, placement of an adopted or foster child. Includes coverage for military exigency</p>
Significant Medical Condition	<p>An illness, injury, impairment, or physical or mental condition that involves inpatient care at specified facilities, or continuing treatment by a health care provider</p>	<p>Serious health condition" has the same meaning as in the FLA. A "military exigency" is defined by reference to the FMLA and implementing rules. Military exigency leave may be taken by a "family member" as defined for purposes of the FMLI.</p>	<p>An illness, injury, impairment, or physical or mental condition that involves inpatient care at specified facilities, or continuing treatment by a health care provider. Documentation can be requested by employer.</p>	<p>N/A</p>

Continuing treatment by a medical provider	Includes an incapacity lasting more than three consecutive days that involves treatment by a health care provider. Some conditions are specified not to be serious health conditions.	Not specified in the bill	Not specified in the bill	N/A
What is covered under paid sick leave	Paid sick leave may be used for the employee's or a family member's injury, illness, or health condition, or need for preventative care. In addition, employees may use paid sick leave for absences due to closure of the employee's work site or their child's school or place of care due to a public health issue. Employers must pay employees using paid sick leave at their regular rate of pay or the minimum wage, whichever is greater.	Paid sick leave may be used for the employee's or a family member's injury, illness, or health condition, or need for preventative care. In addition, employees may use paid sick leave for absences due to closure of the employee's work site or their child's school or place of care due to a public health issue. Certain military circumstances are also covered.	Paid sick leave may be used for the employee's or a family member's injury, illness, or health condition, or need for preventative care. In addition, employees may use paid sick leave for absences due to closure of the employee's work site or their child's school or place of care due to a public health issue.	N/A
Cash benefit amount for paid family leave	Leave program allows a worker to take \$250/wk for up to five weeks	The benefit amount is changed from a flat rate to a percentage of the individual's average weekly wage (AWW) during the two highest earning quarters of the individual's qualifying year: <ul style="list-style-type: none"> If the individual's AWW is 50 percent or less of the state average 	2020 - eight weeks of leave paid at 50% of the employee's average weekly wage but shall not exceed 50% of the state average weekly wage; 2021 - 10 weeks paid at 55% of the employee's average weekly	Equal to full-time minimum wages for full-time employees. Pro-rated for part-time employees. A minimum wage employee would

		<p>weekly wage (\$1082 for 2015), the benefit is 90 percent of the individual's AWW.</p> <ul style="list-style-type: none"> If the individual's AWW is more than 50 percent of the state AWW, the benefit is 90 percent of the individual's AWW up to 50 percent of the state AWW, and 50 percent of the individual's AWW that is greater than the state AWW. <p>The maximum benefit amount is \$1000 and is adjusted annually to 90 percent of the state AWW.</p> <p>The maximum duration of benefits is 26 weeks for a child's birth or placement, a family member's serious health condition, and military exigency leave. In addition, benefits are payable for 12 weeks for the individual's serious health condition. The number of weeks of leave apply to an application year, which is the 12 month period beginning with the birth or placement of a child, or the application for benefits for the other types of leave. For serious health conditions, no benefits are payable for a seven day waiting period.</p>	<p>wage but shall not exceed 55% of the state average weekly wage;</p> <p>2022 - 10 weeks of leave paid at 60% but shall not exceed 60% of the state average weekly wage; and</p> <p>2023 and forward – 12 weeks of leave paid at 67% but shall not exceed 67% of the state average weekly wage</p> <p>At no time can wages be less than \$100, unless the employee wages are below \$100 – then they are paid full wage</p>	<p>receive full wage replacement.</p>
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Qualifications of worker to receive paid family leave	To receive benefits, an individual must have worked 680 hours during either the first four of the last five calendar quarters or the last four calendar quarters completed (the "qualifying year").	All employers, including public employers, are covered for purposes of benefits. The hours of work to be eligible for benefits is changed from 680 to 340 hours during the qualifying year An individual does not need to be working at the time of application.	Workers have worked for their employer for a minimum of 26 weeks. Employers are defined using the federal definition of employer (which appears to include all employers)	Employee has worked for at least 680 hours in the previous 12 months for 1) a covered employer; 2) a non-covered employer if the employer opts in to the program; 3) a contractor and self-employed individual that opts-in
Calculation rates to pay for the program	Unfunded since 2007	Premiums are assessed at 0.255 percent of wages paid within the state beginning on July 1, 2018, and 0.51 percent of wages beginning January 1, 2020. An employer may deduct up to one half the premium from employee wages. Premiums are deposited into the renamed Family and Medical Leave Insurance Account (account). Beginning in 2021, the premium is based on the account balance ratio. The ratio is determined by dividing the balance in the account by total wages. The premium amounts are specified in intervals from 0.1 percent to 0.6 percent of an individuals' wages, depending on the ratio. If the ratio falls below 0.05 percent, employers are charged a solvency surcharge of least 0.10 percent and no more than 0.6 percent.	On June 1, 2019, and annually thereafter on September 1st, the commissioner shall set the maximum employee contribution, using sound actuarial principles. An employer is not required to fund any portion of the family leave benefit.	Weekly benefit is equal to the current statewide minimum age rate multiplied by 40 for someone working 40h/wk If they work <40 h/wk, the individual's weekly benefit shall be the average number of hours worked per week in the 26 weeks prior multiplied by the state's current minimum wage rate.

Includes statewide preemption	N/A	No	Yes	Yes
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