



## e-Alert

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# Washington Amends Paid Family and Medical Leave Act Again

## Background

WA [Paid Family and Medical Leave Law \(PFML\)](#) went into effect on January 1, 2020, for employers with more than 50 employees in WA. This law provides eligible employees paid time off to care for themselves or for a family member's serious health condition, for bonding reasons, or for qualified military-related events. Effective June 9, 2022, Washington (WA) will amend their PFML again to allow paid family leave for the purpose of bereavement under specific circumstances. In addition, this amendment also expands benefits for post-natal care, publication requirements by the Washington Employment Security Department (ESD), and provisions for employees subject to a union contract.

## Summary

### **New Leave Reason for Family Leave**

Under this amended law starting on June 9<sup>th</sup>, employees may use paid family leave during the seven calendar days after the death of a family member for whom the employee:

1. Would have qualified for medical leave for the birth of their child, or;

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2. Would have qualified for family leave to bond with their child following their birth or placement

### Clarification of “Postnatal Period”

This amendment also clarifies that for leave taken during the first six weeks after birth (defined as the “postnatal period”), any individual eligible for benefits based upon incapacity due to pregnancy or for prenatal care will be presumed to be on paid **medical** leave, unless the employee chooses to use paid **family** leave during that period. Employees utilizing paid medical leave during the postnatal period will not need to provide a certification of a serious health condition.

### Repeal of Collective Bargaining Agreement Exception

Currently, the law includes an exception provision that outlines that an employee subject to a collective bargaining agreement (CBA), which was in effect on October 19, 2017, is ineligible for WA PFML benefits until the CBA is reopened or renegotiated. The amendment provides a December 31, 2023 expiration date for the exception provision.

### Notifications of Employers with Voluntary Plans

The Washington Employment Security Department (ESD), which administers this state leave program, must now publish on ESD’s website a current list of all employers that run their own “voluntary plan” that was approved by ESD.

## Employer Next Steps

- Employers are encouraged to audit their current policies to ensure compliance with the amended WA PFML changes.
- Employers should review all CBAs and notate the repeal of the exception on December 31, 2023.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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