	<p><b>Title:</b> Washington Paid Family &amp; Medical Leave</p> <p><b>Number:</b> 311</p> <p><b>Effective:</b> January 1, 2020</p> <p><b>Cancels:</b> N/A</p> <p><b>Prepared by:</b> LeeAnn McNulty, Administrative Services Manager</p> <p><b>Approved by:</b> Authority Board Resolution No. 2019-38</p>
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**POL-311 WASHINGTON PAID FAMILY & MEDICAL LEAVE**

This policy applies to all non-represented Mason Transit Authority (MTA) employees and those in collective bargaining agreements in existence after October 19, 2017. Employees covered by a collective bargaining agreement in existence prior to October 19, 2017 will be eligible for benefits once the agreement expires, and once the benefits take effect January 1, 2020.

**1.0 Purpose**

**1.1** The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons.

**2.0 Policy**

**2.1 Program Application**

This policy provides a summary of the PFML program. Employees may obtain additional information at [www.paidleave.wa.gov](http://www.paidleave.wa.gov). To the extent an issue is not addressed in this policy, MTA will administer this benefit program consistent applicable statutes and regulations.

**2.2 Eligibility**

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

- o Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
- o Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for MTA for at least 12 months and have worked 1250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).



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### 2.3 Leave Entitlement

Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PMFL leave may be taken for the following reasons:

- Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.
- Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

### 2.4 Payroll Deductions

The PFML program is funded through premiums collected by ESD via payroll deductions and MTA contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, Mason Transit Authority will modify payroll practices to reflect those statutory changes.

### 2.5 PFML Application Process

An employee must apply to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.



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## 2.6 Notification Requirements

An employee must provide written notice to MTA Administrative Services Manager of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the MTA, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, MTA will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt Mason Transit Authority operations.


If taking leave intermittently, an employee must notify MTA each time PFML leave is taken so that the MTA may properly track leave use.

## 2.7 PFML Monetary Benefits

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum of \$1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. MTA will allow the use of paid leave accruals during the seven-day waiting period, this leave is not considered as a supplemental benefit to PFML as the employee will have not received a PFML benefit during this time.

Paid leave accruals (vacation, sick leave, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML. An employee may elect

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to use such accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

**2.8 Coordination with Other Benefit Programs**

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of MTA policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to MTA policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

**2.9 Job Restoration; Return to Work**

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (*e.g.*, the employee’s position or shift was eliminated for reasons unrelated to the leave). MTA may require a Job Analysis/Return to Work form from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee’s own serious health condition. In certain situations, the Employee may be required to provide both a Job Analysis/Return to Work form from both a certified medical examiner, and personal physician achieving concurrence before returning to work. Should a safety sensitive employee be out more than 90 days, they will be subject to a USDOT Pre-Employment drug test.

Under certain conditions, MTA may deny job restoration to a salaried employee who is among the highest paid ten percent of Mason Transit Authority employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify MTA as soon as possible.