

### Workshop Goals and Agenda Goals Improve your workers' comp claims management Strengthen your support for employers Agenda Nuts and bolts of PFML and COVID expanded leaves Expanded leaves Q&A: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions Intersections with WC, UI, ADA Insights into PFML's benefit processing Q&A with Edsonya Charles, the PFML Ombud

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### Covered Employer Paid Family Medical Leave Expanded PSL & FML ■ Employers with less than $\ \square$ All employers are covered ■ Employers < 50 employees 500 employees Q&A 4, 58, 59 may opt out contributing Exemption for business premiums, but can't viability reason if employer access small business has < 50 employees grant ■ Public employers Voluntary plan approved Covered if a non-federal by the ESD public agency ■ Employee count: ESD ■ Fed – mostly not covered averages 4 Qtrs employee Q&A #53 count after 9/30 each year WASHINGTON RETAIL ASSOCIATION

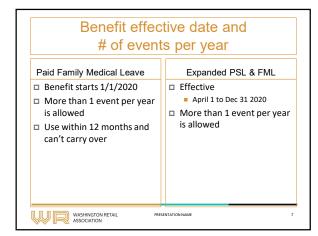
### **Employer requirements** Paid Family Medical Leave Expanded PSL & FML Poster in every building, Deduct and remit premiums Can't cure failure to deduct email/direct mail, website accurately WAC 192-510-065 https://www.dol.gov/agencies/whd/ □ Poster notice (50A.20.020) ■ Not required to provide ■ Notify rights by 5<sup>th</sup> business other languages available day after 7 days of Notify new/current consecutive absence employees (50A.20.010) □ Cannot require employee to ■ Confidentiality of record & find a replacement recordkeeping for 6 years (50A.20.030) PRESENTATION NAME WASHINGTON RETAIL ASSOCIATION

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### Benefit Funding Source Paid Family Medical Leave Expanded PSL & FML ■ Employer pays wages □ Insurance premiums (0.4%) gross wages) (50A.10.030) □ Claim credit via payroll ■ Employee pays 1/3 Family taxes offset and IRS refund premiums, 2/3 Medical Wages, health benefits premiums No payroll tax liability on ■ Employer pays 55% leave wages ■ Employer < 50 employees</p> Apply credit against employer contribution is optional federal taxes https://www.irs.gov/coronavi Annual rate adjust starts in rus/new-employer-tax-credits 2021 ■ Not available with PPP loan RCW 50A.10.030(6) WASHINGTON RETAIL ASSOCIATION

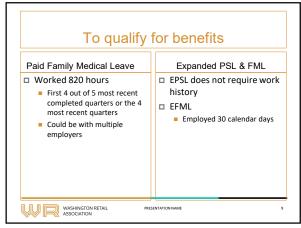
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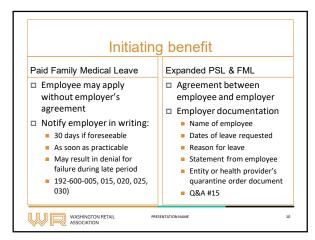
# PFML reportable wages ■ All wages paid including ■ Cash value of goods, services, prizes ■ Commission, piecework, bonuses, stipends ■ Compensation unrelated to expense reimbursement ■ RCW 50A.05.010(25)(a) ■ WAC 192-510-025(1) ■ Max limit on wages = Social Security wage base ■ \$137,000 in 2020 ■ Premium calculator (still using 2019 maximum) ■ https://resources.paidleave.wa.gov/premium-calculator



### Employee definition and exemptions Expanded PSL & FML Paid Family Medical Leave □ All employees (corp officers □ FT/PT in the US, US & domestic workers) Territories Q&A #48, 49 ■ Exempt (opt-in available) □ Includes temporary, on leave, jointly employed self-employed regardless of payroll record ■ Member of an LLC, joint responsibility, day laborers venture, partnership Independent contractor Q&A #2 ☐ Exempt from coverage: Out-of-state worker, waiver healthcare workers and first application (50A.10.040) responders Q&A 56, 57 PRESENTATION NAME WASHINGTON RETAIL ASSOCIATION

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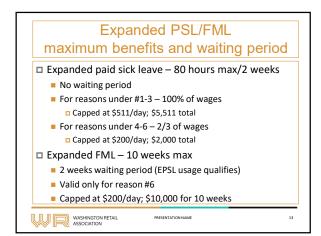


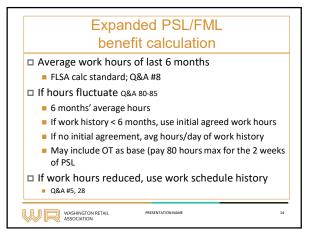


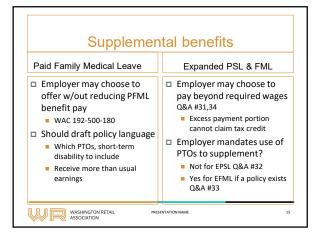
### **Authorized leaves** Paid Family Medical Leave Expanded PSL & FML 1. Quarantine order Q&A #60 ■ Medical: worker's own serious health condition 2. Self-quarantine advice by a □ Family: family's serious health care provider Q&A #62 health condition or 3. COVID symptoms seeking a Bonding within 12 months of medical diagnosis a child's birth or placement 4. Caring for other(s) in #2, 3 ■ Military family needs Q&A #63-65 □ 12 months per year 5. Experiencing substantial Giving birth 16 weeks (med COVID conditions per HHS and family combined) 6. Caring for child due to Pregnancy incapacity 2 more school/place of care closure #6 is valid only for EFML PRESENTATION NAME WASHINGTON RETAIL ASSOCIATION

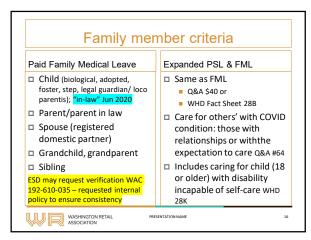
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# PFML Employee benefits & waiting period Waiting period: 1st week after leave approval No waiting for bonding leave Up to 90% of pay; current maximum is \$1,000/week Maximum is 50% of statewide average weekly wage Estimator: https://paidleave.wa.gov/estimate-yourweekly-pay/ \$77,900 annual income receives maximum benefit Minimum 8 hours of consecutive leave per week to receive benefit

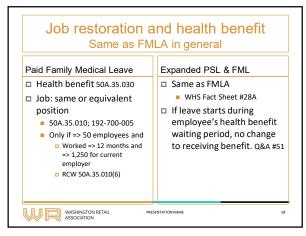


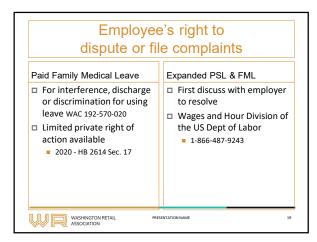


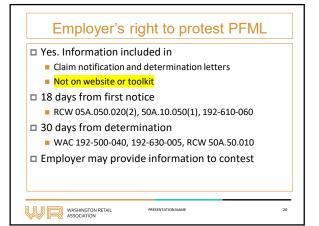


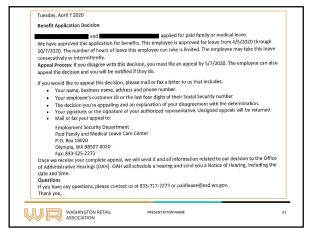


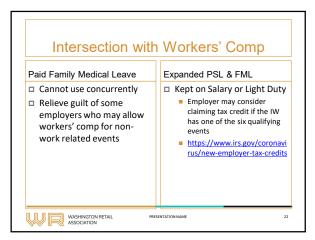


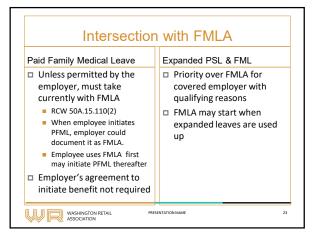


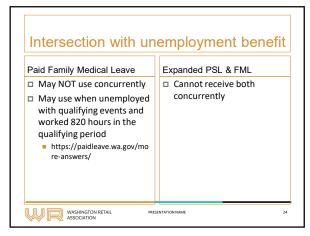












# Intersection with ADA American Disabilities Act ADA applies => 15 employees WLAD applies => 8 employees Asking employee's "general health diagnosis" is a disability inquiry prohibited by the ADA Let the employee disclose their "serious health condition" re PFML leave "Health condition" records are confidential or an ADA violation

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### COVID/Pandemic and ADA CDC data supports COVID meeting the direct threat" condition under a pandemic (public health) https://www.eeoc.gov/facts/pandemic flu.html May send employees home (reasonable accommodation does not apply except for pre-existing disabilities) May ask for symptoms; must keep medical record confidential to comply with the ADA May take temperature and/or ask employee to self-quarantine after traveling to pandemic areas

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# Paid Leave Ombuds an independent third party Edsonya Charles, Edsonya.Charles@esd.wa.gov https://paidleaveombuds.wa.gov 844-395-6697 Investigates, reports on and helps settle complaints Identifies and eliminates service deficiencies Make recommendations/address concerns as quickly and efficiently as possible Confidentiality unless required by law Advocates, not lawyers/legal representatives Ombuds info on employee's guide, not employer's

