

## Washington Paid Family and Medical Leave

### City of Lake Forest Park Voluntary Program

Drafted: November 19, 2018

Effective: January 1, 2019

#### **Purpose**

The purpose of the City of Lake Forest Park's Voluntary Program is to meet or exceed the requirements of the state plan for paid family and medical leave. The City will begin tracking hours and wages of employees starting January 1, 2019 and will begin reporting those and other information to the Washington Employment Security Department every quarter. Beginning January 1, 2020, eligible City employees can take leave under this Voluntary Program for qualified family and medical events and receive paid leave benefits similar to those under the state plan for family and medical leave.

#### **Family Leave and Medical Leave**

There are two parts to Paid Family and Medical Leave: family leave and medical leave. It is the intention of the City in this Voluntary Program to cover both family leave and medical leave.

Family Leave covers events such as:

- 1) the birth or the adoption of a child or placement of a foster child younger than 18
- 2) caring for a qualifying family member with a serious health condition
- 3) a "qualifying exigency" as defined by the applicable regulations adopted by the Department of Labor from time to time, arising out of a qualifying family member's active duty or call to active duty in the Armed Forces in support of a contingency plan

Family members who are eligible for care under this policy are children, grandchildren, parents, grandparents, siblings, or spouses (spouse includes state registered domestic partner). Eligible children include biological, adopted, foster, step, or a child to whom the employee stands in loco parentis, is a legal guardian over, or is a de facto parent, regardless of age or dependency status. Leave to bond with a child may be taken during the first 12 months after a child's birth, or the first 12 months after placement of a foster child or adoption of a child under the age of 18. Military connected events are the same as the rules in the Federal Family and Medical Leave Act (FMLA).

Medical leave covers self-care for the employee's qualifying serious health condition. Qualifying events are serious medical conditions that are an illness, injury, impairment or physical or mental condition that involves:

- 1) Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- 2) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- 3) A period of incapacity due to pregnancy or for prenatal care;

- 4) A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

**Eligibility**

All current and future employees of the City are covered by this Voluntary Paid Family and Medical Leave Program.

Employees are eligible for benefit payments under this plan once they have worked 820 hours for any Washington employer in the qualifying period and 340 hours for the City of Lake Forest Park. Employees who are not yet eligible for coverage under the City’s plan are eligible for benefits under the state plan if they have worked 820 hours in the qualifying period. If an employee was eligible for benefits under his/her prior employer’s voluntary plan, the employee will be immediately eligible for benefits under the City’s plan.

The qualifying period is the first four of the last five full calendar quarters, or the last four full calendar quarters. Either period may be used to establish eligibility. The chart below illustrates how this works.

Qualifying Period					
4 <sup>th</sup> Q / 2020 (Oct. – Dec.)	1 <sup>st</sup> Q / 2021 (Jan. – Mar.)	2 <sup>nd</sup> Q / 2021 (Apr. – Jun.)	3 <sup>rd</sup> Q / 2021 (Jul. – Sept.)	4 <sup>th</sup> Q / 2021 (Oct. –Dec.)	1 <sup>st</sup> Q / 2022 (Jan.- Mar.)
X	X	X	X	X	X
					820 820

**Application for Leave**

When the need for a family or medical leave is foreseeable, as in the case of planned surgery or childbirth, the employee who wants to take family or medical leave and benefits under this Voluntary Plan will need to complete an application at least thirty (30) days prior to the beginning of the leave. The City’s family and medical leave application will be similar to the state’s application for benefits. If family or medical leave is not foreseeable, the employee may submit the application for family and/or medical leave as soon as is reasonable after the employee becomes aware of the need for leave.

**Leave Duration**

Eligible employees may take up to 12 weeks per year of family or medical leave, plus two weeks if the leave is due to pregnancy complications that result in incapacity. There are 16 weeks per year available for a combination of family and medical leave, and again an additional two weeks if the leave results from a pregnancy complication. A year is defined as 52 consecutive weeks measured backward from the date an employee uses Paid Family or Medical Leave benefits. Any leave taken under this program will run concurrently with FMLA leave (see FMLA - Medical Leaves policy).

## **Weekly Benefit**

The City provides a weekly benefit to employees on leave calculated as follows:

- 1) First, find the weekly average wage of the employee by taking the total wages over the two highest quarters during the qualifying period and divide by 26.
- 2) Second, determine if the weekly wage is greater than  $\frac{1}{2}$  the state average, \$595 in 2017. The state's average weekly wage is recalculated each June, and therefore, this number will change accordingly.
- 3) If the employee's average weekly wage is below  $\frac{1}{2}$  the state average, the employee's weekly benefit is 90 percent of their average weekly wage.
- 4) If the employee's average weekly wage is greater than  $\frac{1}{2}$  the state average, first calculate 90 percent of the employee's average weekly wage, capped at the state average. This is the first number. Then take 50 percent of the employee's average weekly wage that is above  $\frac{1}{2}$  of the state average weekly wage. This is the second number. Add the first number and the second number together, and the result is the weekly benefit amount.
- 5) The weekly benefit will not be less than \$100 or more than \$1,000, adjusted annually.

Benefits become payable following a waiting period consisting of the first seven calendar days of leave, provided that no waiting period applies when leave is taken for the birth or placement of a child. The City will send the first benefit payment to the employee within thirty calendar days of the first day of leave, or the receipt of a properly completed application for benefits under this Voluntary Program, whichever is later. Subsequent payment will be sent in the established regular payroll schedule bimonthly on the 8<sup>th</sup> and 23<sup>rd</sup> of the month. An employee will not receive paid family and medical leave benefits for any period of time for which the employee receives time-loss benefits through the worker's compensation system.

## **Job Protection**

Job protection is available to employees using Paid Family and Medical leave if the City has more than 50 employees when the employee begins the Paid Family and Medical Leave. To be eligible for job protection, the employee must work for nine months with the City and 965 hours for the City during the 12 months preceding the date leave will begin.

Employees who are eligible for job protection are entitled to the following when they return from leave:

1. Return to a position of employment held by the employee when leave commenced; or
2. Return to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Using the paid family or medical leave will not result in the loss of employment benefits accrued before the leave begins, or any other right, benefit or position of employment the employee would have been entitled to if they had not taken leave.

When returning from leave, the employee may be required to provide health-care provider certification that the employee can resume work. Employees who are on leave may be required to provide periodic reporting about their status and intention to return to work.

Job protection may also be available under the terms of the FMLA (see FMLA - Medical Leaves policy).

### **Health Benefits**

If an employee qualifies for leave under the FMLA, the City will maintain the employee's coverage under any group health plan for the duration of the leave and at the same level and conditions of coverage which would have been provided if the employee had not taken leave. See FMLA - Medical Leaves Policy.

### **Posting and Providing Notice**

The City will post notice of the City's Voluntary Paid Family and Medical Leave Program and instructions for filing of complaints related to it. This notice will be posted in the City Hall lunchroom.

In addition, the City will provide written notice of employee's rights when it becomes aware that an employee is taking leave that would qualify for Paid Family and Medical Leave for at least seven consecutive days.

### **Reporting:**

The City will report quarterly to the State of Washington the following information for each employee:

- Full name
- Social Security number (ITIN if no SSN)
- Zip code of primary work location
- Job title
- Start date
- Wages paid during that quarter
- Total hours worked during that quarter

In addition the City will report to the State of Washington generally:

- Weekly benefit and leave duration for any employee who takes leave for reasons that would qualify under the state plan at the time of leave taken.
- Total premiums deducted from all employees' wages during the calendar quarter.

The City will use the Employment Security Department's provided reporting tool for this purpose.

### **Coordination with other City Leave Benefits**

Employees may not use City-provided paid leave benefits such as sick leave, vacation leave, comp time, floating holiday, holiday time, Kelly time, administrative leave, or shared leave for the same absence for which the employee is receiving Paid Family and Medical Leave benefits. In other words, the City will not allow the employee to “double dip”, taking both Paid Family and Medical Leave benefits while at the same time taking accrued sick leave, for example, to get more than 100% of wages for time away from work.

If a City employee has accrued benefits, such as sick leave, vacation, comp time, floating holiday, paid holiday, Kelly time, administrative leave, and Shared leave that pay for time away from work at 100% of wages, the employee must exhaust all those leave hours before they will be granted Paid Family and Medical Leave under this program. See City Policies on Sick Leave, Vacation, Holiday, Administrative Leave, Shared leave.

For example, Fred wants to take 6 weeks to have knee surgery. Fred has four (4) weeks of sick leave accrued and three (3) weeks of vacation accrued. Fred elects to take 4 weeks of sick leave and 2 weeks of vacation, giving him 100% wage replacement while he is on leave. Fred is not eligible for Paid Medical Leave benefits for this absence.

### **Paid Family and Medical Leave Premiums**

The normal employee premium for the Family and Medical Leave Voluntary Plan is 63% of the 0.4% of total wages (.004 X wages). For example, if an employee’s monthly wage is \$3,000, the total premium would be \$12.00 and the employee’s share of that monthly premium would be \$7.56.

The City will withhold the employee’s share of this premium from employees’ pay through the payroll system. Premiums collected will be deposited in a Family and Medical Leave trust account which will be separate from the City assets and will be held in a separate, specifically identifiable account in a financial institution. Any interest or other income arising from these funds will be held in this account. This account will be used to fund benefits under this Voluntary Plan.

In the 2019-2020 biennial, the City has determined that it will pay the employee’s share of the Paid Family and Medical Leave premium (65% of 0.4% of wages) for all employees from January 1, 2019 to December 31, 2020. Every two years, the City will make the determination of whether or not it will pay the employee share of the Family and Medical Leave premiums when it drafts and approves its biennial budget. It is not a guarantee that the City will be able to pay the employee share in the future.

### **Administration**

The City’s Voluntary Program will be administered in accordance with Washington statutes (RCW 50A.04) and regulations (WAC 192-500), as these laws are developed and amended over time. To the extent any issue related to paid family and medical leave is not specifically addressed in this program description, the City will address that issue consistent with applicable law then in effect.

