

PAID FAMILY AND MEDICAL LEAVE

Advisory Committee Meeting
June 21, 2018



PRESENTATION OVERVIEW

Introductions

Approve May Meeting Minutes

Rules Update

Communications & Outreach Update

General Program Update

Open Comment

INTRODUCTIONS

- ▶ Advisory committee
- ▶ In-person attendees

APPROVE MAY MINUTES

▶ Discussion

RULES UPDATE – KEY DATES

- ▶ June 19: Draft two of phase two rules posted
- ▶ June 25: Stakeholder meeting
- ▶ June 30: Phase one rules in effect

BENEFITS PHASE UPDATE

- ▶ Proposal: Expand phase three into multiple phases
- ▶ Why?
 - ▶ Stakeholder feedback
 - ▶ Creates more focused discussions
 - ▶ Lessons learned from phases one and two
 - ▶ Most effective way to meet our deadlines
 - ▶ Key requirements known earlier and more often
 - ▶ Agile philosophy

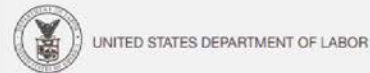
ON-CALL HOURS

WAC 192-540-040 How should employers report hours worked for each calendar quarter?

(12) On-call and standby hours. Report the number of actual hours for which an employee receives wages for being on-call or on standby with the employer.

COMMUNICATIONS & OUTREACH UPDATE

WHY NOT PAID FAMILY AND MEDICAL LEAVE (PFML)?



What's the Difference?

Paid Sick Leave, FMLA, and Paid Family and Medical Leave

Paid sick leave, FMLA leave, and paid family and medical leave are all types of paid or unpaid time off from work, but they are distinct policies and, where enacted, laws. Below are descriptions of each type of leave, making clear the key differences between them.

	Paid Sick Leave, Executive Order 13706 (EO)	Paid Sick Leave, State and Municipal Laws	Family and Medical Leave Act (FMLA)	Paid Family and Medical Leave (PFML)
Background and availability	President Obama signed the EO in September 2015. It requires companies with certain types of contracts with the federal government ("covered contracts") to provide paid sick leave, which is available for short-term health needs and preventive care. It will apply to new covered contracts starting January 1, 2017.	Five states (California, Connecticut, Massachusetts, Oregon, and Vermont) and more than two dozen cities, counties, and towns have paid sick time laws, which require employers in those states and cities to allow leave for short-term health needs and preventive care.	The FMLA is a federal law that provides job-protected, unpaid leave from work for certain family and serious medical reasons. It applies to many employers across the country. It was signed by President Bill Clinton on February 5, 1993.	Paid family leave means longer-term leave to care for ill family members, as well as when a parent has a new child. It exists or soon will in four states: California, New Jersey, Rhode Island, and New York. New York's program will start paying benefits in 2018. Paid medical leave means leave for self-care of your own serious illness has been available for decades in five states: those with paid family leave as well as Hawaii.
What else is this policy known as?	Paid sick leave is also known as "earned sick time," "earned sick leave," "paid sick time," and "paid sick days."		This law is commonly known as the FMLA.	Paid family leave is also known as "family caregiver leave" or "family leave insurance." Paid medical leave is also known as "temporary disability insurance" (TDI) or "short-term disability." Paid family and medical leave together are also referred to as "family and medical leave insurance" (FMLI).
How does the policy typically work?	Employees will earn paid sick leave hours during the time they work on or in connection with a covered federal contract. They will earn one hour of leave for every 30 hours worked. Employers have the option to provide a year's worth of leave up front, rather than requiring workers to accrue it one hour at a time.	Typically, employees earn or accrue paid sick leave based on how many hours they have worked. For instance, a paid sick leave policy could allow a worker to earn one hour of paid sick leave for every 30 or 40 hours worked. Employers are required to allow employees to take leave for certain purposes and to pay employees while they are using leave.	The FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave from work for certain medical and family reasons, including your own or a spouse's, parent's or child's serious health condition, or for qualifying exigencies while the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status. The FMLA also allows eligible employees of covered employers to take up to 26 workweeks of FMLA leave in a "single 12-month period" to care for a covered service member with a serious injury or illness. During leave, employers are not required to pay workers, but they must maintain workers' group health insurance under the same terms and conditions as if the employee had not taken leave and they are required to give employees their jobs back when they return from leave.	PFML typically operates as an insurance program, in which workers and/or employers pay in and workers who need to provide caregiving are able to draw on the policy's benefits that provide partial wage replacement while a worker is on leave. TDI is funded in a similar way.

Paid family leave is also known as "family caregiver leave" or "family leave insurance." Paid medical leave is also known as "temporary disability insurance" (TDI) or "short-term disability." Paid family and medical leave together are also referred to as "family and medical leave insurance" (FMLI).

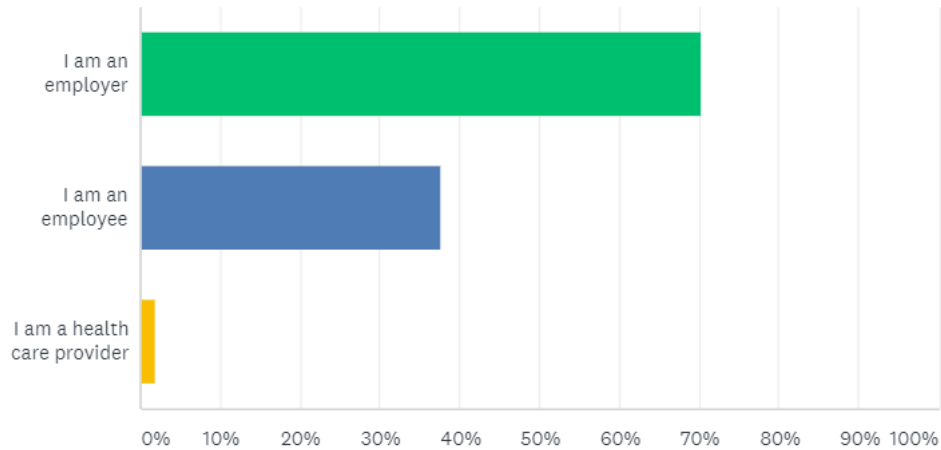
Many types of similarly named leaves may lead to confusion regarding eligibility, responsibilities under the law and access to benefits.

- Paid Family and Medical Leave (Paid Family and Medical Leave)
- Family and Medical Leave Act (FMLA)
- Paid Sick Leave
- Washington's Family Leave Act - FLA (2007)

SURVEY – PAID FAMILY AND MEDICAL LEAVE (WA)

Who are you? Select all that apply

Answered: 762 Skipped: 9



ANSWER CHOICES	RESPONSES
I am an employer	70.34% 536
I am an employee	37.66% 287
I am a health care provider	1.97% 15
Total Respondents: 762	

- Recent results from the survey sent out in March.
- 28% selected PFML is only for “eligible employees working at a company of more than 50 employees in Washington state” - including 27% of employer respondents.
- This indicates confusion between eligibility between PFML and FMLA. Businesses with fewer than 50 are exempt from FMLA requirements, but not exempt from the PFML program.

▼ Only eligible employees working at a company of more than 50 employees in Washington state 28.34%

WHY NOT PAID FAMILY AND MEDICAL LEAVE (PFML)?

One of the key findings:

- “Most potential users have difficulty ascertaining eligibility due to the confusion between PFL and FMLA, and the minimal information available in existing literature about how the programs can be coordinated.” Pg. 135 [Paid Family Leave report](#)

Other findings:

- “Many had misconceptions about program benefits, eligibility, the application process and interaction with other complementary programs, such as the Family Medical Leave Act (FMLA). In fact, in some instances those who stated that they were aware of PFL had actually confused the program with FMLA. Inasmuch, simple awareness of the program may not accurately reflect significant enough knowledge of the program to proactively apply to the program.” pg. 61
- “Also, focus group participants often confused PFL with FMLA/CFRA; this was particularly important because many assumed that PFL offered job protection.” Pg. 65
- “63% of HR professionals citing misconceptions about eligibility as the greatest cause for confusion among their employees.” Pg. 65

WHY NOT PAID FAMILY AND MEDICAL LEAVE (PFML)?

Chinese Community Research

- “Our research indicates that awareness is typically low in this population. Additionally, those who are aware of PFL often do not know significant details about the program or the information may not be entirely accurate. PFL is often confused with FMLA and Disability.” pg. 107
- “Focus group participants also note that the Chinese community tends to be entrepreneurial; as such they start up small businesses where FMLA does not apply. This makes concerns about job security more serious.” Pg. 109

WHY NOT PAID FAMILY AND MEDICAL LEAVE (PFML)?

Latino Community Research

- “Awareness of the specific benefits PFL provides is low. According to focus group respondents, conflating PFL, FMLA and disability leave is common as well. Cultural brokers and focus group participants report that there is confusion around whether or not PFL includes job protection, what exactly the wage replacement rate will amount to and where the money used as wage replacement comes from. This was noted to be a crucial issue, as there are cultural stigmas in the Latino community against taking ‘handouts.’ Unless it is made clear that PFL is not a handout, the common assumption is that it is.” pg. 117

PERMISO DE TRABAJO PAGADO PARA EL CUIDADO FAMILIAR Y MÉDICO (PAID FAMILY AND MEDICAL LEAVE)



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WHAT'S IN A NAME?

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Paid Family & Medical Leave

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Too long for web & many print forms

- The length is prohibitive in digital venues – it will need to be shortened or the name is truncated.
- The choice is really between PFML and something else.

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Paid Family and Medi... Washingtonians are eligible for up to 12 weeks paid leave to care for themselves or their family. Learn how paid family and m ... more

PARTICIPATION OPPORTUNITIES

▶ Usability & accessibility testing

- ▶ New website information architecture: [Less than five minute online activity](#) running from 6/19/18 – 7/7/18
- ▶ Summer Usability & Accessibility testing (For large employers and TPAs)

▶ Employer insight interviews

- ▶ Want to share your insights with us? We're conducting 1:1 interviews with employers to learn:
 - ▶ What concerns you about PFML?
 - ▶ What excites you about PFML?
 - ▶ Your questions
 - ▶ Your advice for success

Interested? Email paidleave@esd.wa.gov

WHAT'S NEW

QUICK LINKS

PAID FAMILY AND MEDICAL LEAVE

Home
Employer
Employee

ABOUT

Overview
Voluntary plans
Benefits
Premiums
Frequently Asked Questions
Advisory Committee
Rulemaking

PARTICIPATE

Contact us
Outreach
Employment opportunities

- ▶ Check out our ESD website refresh – new, more navigable content
- ▶ Invite us to speak to your group! We have 15 upcoming outreach events (through July 20) including:
 - South Puget Sound SHRM
 - WA State Transit Association
 - Ritzville Area Chamber of Commerce
 - Adams County Economic Development City Hall Meeting
 - Washington State Public Health Association
 - Independent Colleges of WA
 - Governor's Small Business Liaison Team
 - State Human Resources Managers Meeting
 - AEC Industry Human Resources Group
 - Associated Industries HR firm – Spokane public meeting (with Spokane Chamber and others)

FOR THE GOOD OF THE ORDER

▶ Public Comment

CONTINUE THE CONVERSATION

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