

What is Paid Family and Medical Leave?

Paid Leave is a benefit for workers who work in Washington state who need to take time off from work because they are:

- recovering from surgery, a serious illness, or injury (this includes pregnancy)
- caring for an eligible family member with a serious health condition
- bonding with a newborn, adopted, or foster child
- attending certain events connected to a family member's active duty military service

Paid Family and Medical Leave is administered by the Washington Employment Security Department.

How much time can I take off?

Up to 12 weeks for one event.

If a personal medical event and a family caregiving event happen in the same year, like giving birth to a baby, you could get up to 16 weeks of leave.

If you had complications related to pregnancy, you could get up to 18 weeks of leave.

How much will I be paid?

The weekly benefit payment is 70% to 85% of an individual's regular income/salary (depending on the date of hire and hours worked). For 2023, the maximum weekly benefit payment is \$1,427 per week—for eligible types of leave.

Eligibility for Paid Family and Medical Leave

Am I eligible for Paid Leave?

If you worked in Washington for a minimum of 820 hours (about 16 hours a week)—including part-time, full-time, temporary, or seasonal work, and one or more jobs—, during your qualifying period, you would qualify for Paid Leave benefits.

Am I eligible if I'm self-employed?

If you are self-employed, you need to opt in to Paid Leave. Then, you will need to have earned at least \$12,907 if your qualifying period falls in 2023.

I am not an American Citizen, I am an immigrant authorized to work in the US (for example, working with an EAD work permit, H2-A Visa, DACA, etc.). Am I eligible for Paid Leave? What kind of documentation will I need to provide?

Yes, all applications require supplemental documents like identification and qualifying event documents.



Rights

I have health insurance through my employer. Will I still have health insurance while I'm on leave?

Your employer(s) are required to maintain existing health benefits for an employee receiving paid family or medical leave benefits. Health benefits must continue without a break in coverage until the employee's paid leave ends or the employee returns to work after taking their leave. If you are responsible for paying some of the health insurance premium, your employer can require that you continue to pay your share.

Do I have to use up all of my paid time off with my employer before I can use Paid Leave?

No. Employers cannot force you to use your vacation days, sick days, or any other paid time off before or instead of taking Paid Family and Medical Leave (PFML). You can choose to use your paid time off if you want, but your employer cannot require you to do so.

Do I have to give my employer medical information?

You don't have to share any medical information with your employer if you don't want to. Your healthcare provider will help to determine how much time you need to take off to care for yourself or a family member. That information will only be shared with the State of Washington's Employment Security Department.

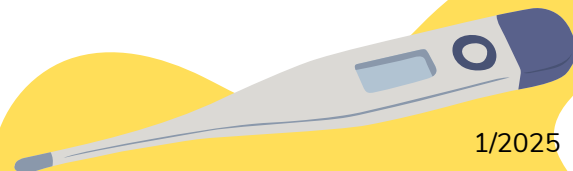
Need Additional Support?

The WAISN Deportation Defense Hotline is dedicated to supporting you, whether you need information about your rights with immigration authorities (ICE or CBP), employers, landlords, or healthcare providers; accompaniment to immigration court or a bond hearing; or referrals to services such as deportation defense, civil legal aid, rent support, food, baby supplies, and local immigrant support networks.

1-844-724-3737

Language support: All Hotline operators are bilingual in Spanish and English. Interpretation services available in close to 300 languages.

VISIT WAISN AT WWW.WAISN.ORG



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Washington
Immigrant Solidarity
Network



WASHINGTON STATE EMPLOYMENT
SECURITY DEPARTMENT

PAID FAMILY AND MEDICAL LEAVE FOR IMMIGRANTS

FACT SHEET



Can I receive Paid Leave if I am only part-time or seasonally employed? What kind of documentation will I need to provide?

Full-time, part-time, temporary, and seasonal work all count. All the hours you work in Washington, whether it's at one job or multiple jobs, count towards your eligibility for benefits.

I am an agricultural contract worker. Am I eligible for Paid Leave?

Yes.

I am a domestic worker in homes but I do not have a contract. Am I eligible for Paid Leave?

Yes.

I am self-employed (for example, I run my own landscaping business or I am a day laborer). Am I eligible for Paid Leave?

You will need to elect coverage and report wages for yourself. We determine hours worked toward eligibility by dividing the gross wages reported for a quarter by minimum wage.

For example, if you elected coverage in March 2022, you would be on Paid Leave starting April 2022. If you applied for benefits in November 2022, you need to have earned \$11,882 from April to June 2022.

How do I know if I am self-employed?

You are self-employed if you are:

- A sole proprietor
- A joint venturer or a member of a partnership
- A member of a limited liability company (LLC)
- An independent contractor (as described in RCW 50A.05.010(7)(b))
- Otherwise in business for yourself.

You are NOT self-employed if you are a corporate officer or own a corporation. If this is your situation, you are required to withhold premiums and report yourself with all of your other employees.

I am undocumented. Am I eligible for Paid Leave?

You do not need to have permission to work, a Social Security Number, or an Individual Taxpayer Identification Number to qualify for Paid Leave, but you will need to apply using a paper benefit application. If your employer did not report your hours and wages, you will need to provide supporting documentation for payment.

When can I take paid medical leave?

When a serious health condition prevents you from working. This includes pregnancy.

When can I take paid family leave?

When you need time to care for a family member with a serious health condition, bond with a new child, and for certain military-related events.

When can I use military family leave?

Military family leave allows you to spend time with a family member who is about to be deployed overseas or is returning from overseas deployment.

Who qualifies as a family member for paid family leave and military family leave?

- Spouses and domestic partners
- Children (biological, adopted, foster, or stepchild)
- Parents and legal guardians (or spouse's parents)
- Siblings
- Grandchildren
- Grandparents (or spouse's grandparents)
- Son-in-law and daughter-in-law
- Someone who has an expectation to rely on you for care—whether you live together or not.

Applying for Paid Family Medical Leave

1. Create your account

- Click on the "Worker log in" button. Click on the "Click to log in" button. This will take you to the state's log-in service, SecureAccess Washington. Use an existing SAW login or create a new one. (Not sure if you have a SAW login? Click the "Get Help" button on the SAW homepage to find out.)
- In SAW you'll add Paid Family and Medical Leave to your services by:
 - Selecting Add A New Service
 - Selecting "I would like to browse a list of services by agency"
 - In the list, find "Employment Security Department" and click it
 - In the list, find "Paid Family and Medical Leave (PFML)" and click on "Apply"
 - Click the "Apply" button next to Paid Family and Medical Leave
 - You will then create a Paid Family and Medical Leave account.
 - You cannot update your name, Social Security Number (SSN), or date of birth once you have saved this information. If you notice any errors after you have finished creating your account or your information has changed, contact us.

2. Fill in the application

- You'll provide basic information and verify your employment history.
- A paper application is available if you don't have an SSN.

- The Employment Security Department will notify your employer(s) when you apply. They will have 18 days to respond.

3. Upload documents

- Proof of identification documents
 - Driver's license,
 - Passport or
 - Utility and phone bills (a complete list of documents is at paidleave.wa.gov/get-ready-to-apply).

4. Get your decision

- The Employment Security Department will review your application and may contact you if they have questions.
- Once they make a decision, they will mail you a decision letter at the mailing address you submitted.
- If approved, this letter will tell you your maximum weekly benefit amount, typical workweek hours and confirm the dates of your approved leave and claim year.

Where can I get help or application assistance?

You can call the Washington Employment Security Department at 833-717-2273, Monday-Friday, 8:30 AM – 4:30 PM. The Customer Care Team can help answer general questions, provide assistance with signing up for a Paid Leave account, help you regain access to your account, take down information about your application if you need to make changes after you submit it, send materials to you via mail and more!

Who can help me apply for Paid Leave if I can't do it myself?

You can give someone else permission to help you apply for Paid Leave by completing the Authorized Representative Designation form. Contact the ESD Customer Care Team at **833-717-2273** for help or to have them send you the form. If you are unable to provide written permission for someone else to apply for you, your healthcare provider can help by confirming in writing that you are unable to complete the form yourself.

These people can also apply for leave on your behalf:

- A court-appointed legal guardian
- A person with power of attorney

Is assistance available in multiple languages?

Yes, interpreter services are available for phone calls, documents available in multiple languages and can translate documents, including an application, to a needed language.

I do not have access to a computer. What is the best way for me to apply?

You can apply online using a mobile phone or you can contact the ESD Customer Care Team at 833-717-2273 (Monday-Friday, 8:30 AM – 4:30 PM) and request a paper application.