

Amendment to Washington State Paid Family and Medical Leave Act's Waiting Period Benefits Employees

By Sherry L. Talton & Jonathan M. Minear on June 1, 2022

The Washington Employment Security Department has amended the “waiting period” regulation, [WAC 192-500-185](#), for certain employees who successfully apply to the state’s Paid Family and Medical Leave (PFML) Program.

Under Washington’s PFML, the “waiting period” falls during the first seven consecutive calendar days beginning with the Sunday of the first week that an eligible employee starts taking leave. During the waiting period, an employee does not receive any pay but still uses one of their available weeks of leave.

Effective June 9, 2022, the waiting period will (a) no longer count against the employees’ benefit entitlement (of up to 18 weeks in some circumstances) and (b) no longer be required for birth parents requiring medical leave immediately following the birth of a child. Employees who take leave for qualifying military events or to bond with a new child are already exempted from a waiting period.

These changes benefit employees by making their pay from the state consistent with the time off they receive under PFML. The amendment also coordinates with [another recent change](#) in the law that treats the first six weeks of post-natal leave as medical leave, rather than family leave, unless the employee chooses otherwise.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our Disability, Leave and Health Management Practice Group.

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