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Employment Counseling

Washington Employers Now Have Greater Access to PFML Leave Information for Employees

SB 5586 lifts some privacy restrictions for Paid Family Medical Leave information, but employers are still in the dark about other details

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02.27.24

Since Washington launched its Paid Family Medical Leave program ("PFML") in 2020, employers have had very limited access to information from the state regarding employee leaves, including when leaves begin or end. With the recent implementation of Senate Bill 5586, employers now have greater access to information about employee PFML leave requests and approvals, which will help bridge the information gap that has made it difficult to navigate leaves since the program's inception. However, while there is now greater transparency, employers still do not have access to some key leave information, including when PFML entitlements have been exhausted or when approved leaves end.

What PFML Information Employers Can Now View – And What They Can't

Last year, Governor Inslee signed an amendment to PFML ([SB 5586](#)),^[1] which made changes to privacy restrictions on employee data and paved the way for more employer access to PFML leave information. The Washington State Employment Security Division ("ESD") subsequently proposed and later adopted [permanent rules](#)^[2] that govern what information will be available to employers through the ESD [employer portal](#). Employers will now be able to view:^[3]

- Employee application dates
- Requested leave dates,
- Leave type requested, and
- PFML leave decisions and approved dates.

However, employers will not be able to review:

- Employee health information,
- The specific reason for the leave,
- Benefit or payment amounts, or
- Hours of benefits used.

Likewise, information about whether the leave is intermittent or continuous is unavailable. Notably, although employers now have access to more information regarding PMFL leave, which should help with navigating the leave process and coordinating the employer's leave policies, employees will *not* have access to information about PFML hours used/available to determine when PFML leave entitlements have ended, which means that it will continue to be challenging for employers to determine when applicable health benefits continuation requirements may end and when employers may need to evaluate reasonable accommodations under federal and state disability accommodation laws. In addition, employers may only utilize an employee's claim information to help administer their own internal leave and benefit practices (with any other use strictly prohibited).^[4]

So, while these amendments provide additional transparency to employers regarding employee PFML leave status and use, it may still be challenging for employers to determine when employees have exhausted PFML leave entitlements and are anticipated to return to work. However, the PFML rules continue to require that employees notify employers of their anticipated leaves, including the timing and duration of leaves – and employers should continue to request this information directly from employees. In addition, employers can also request leave information in connection with supplemental benefits offerings or short-term disability programs for purposes of coordinating benefits. Therefore, the leave information now accessible on the ESD portal will

provide an additional resource to employers that will assist with ensuring compliance with leave and accommodation requirements imposed by state and federal law.

Looking Ahead

We will continue to provide regular updates on how these developments will impact navigating leave and accommodation issues in the workplace. Please see our other PFML advisories [here](#), and for more information on PFML, please contact a [Davis Wright Tremaine employment attorney](#).

[1] RCW 50A.10.0340

[2] WSR 23-23-095 (December 6, 2023)

[3] According to the ESD webpage, employers accessing the ESD portal must be designated as the "Benefits Claim" user role or as an "Account Administrator" to access this information. Additional information regarding accessing the information is available here: [HR resources – Washington State's Paid Family and Medical Leave](#)

[4] RCW 50A.10.0340(3)(c)

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