

# Paid Leave Options in the Age of COVID-19

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# WA workers have won strong paid leave laws



Washington  
**Paid Family & Medical Leave**



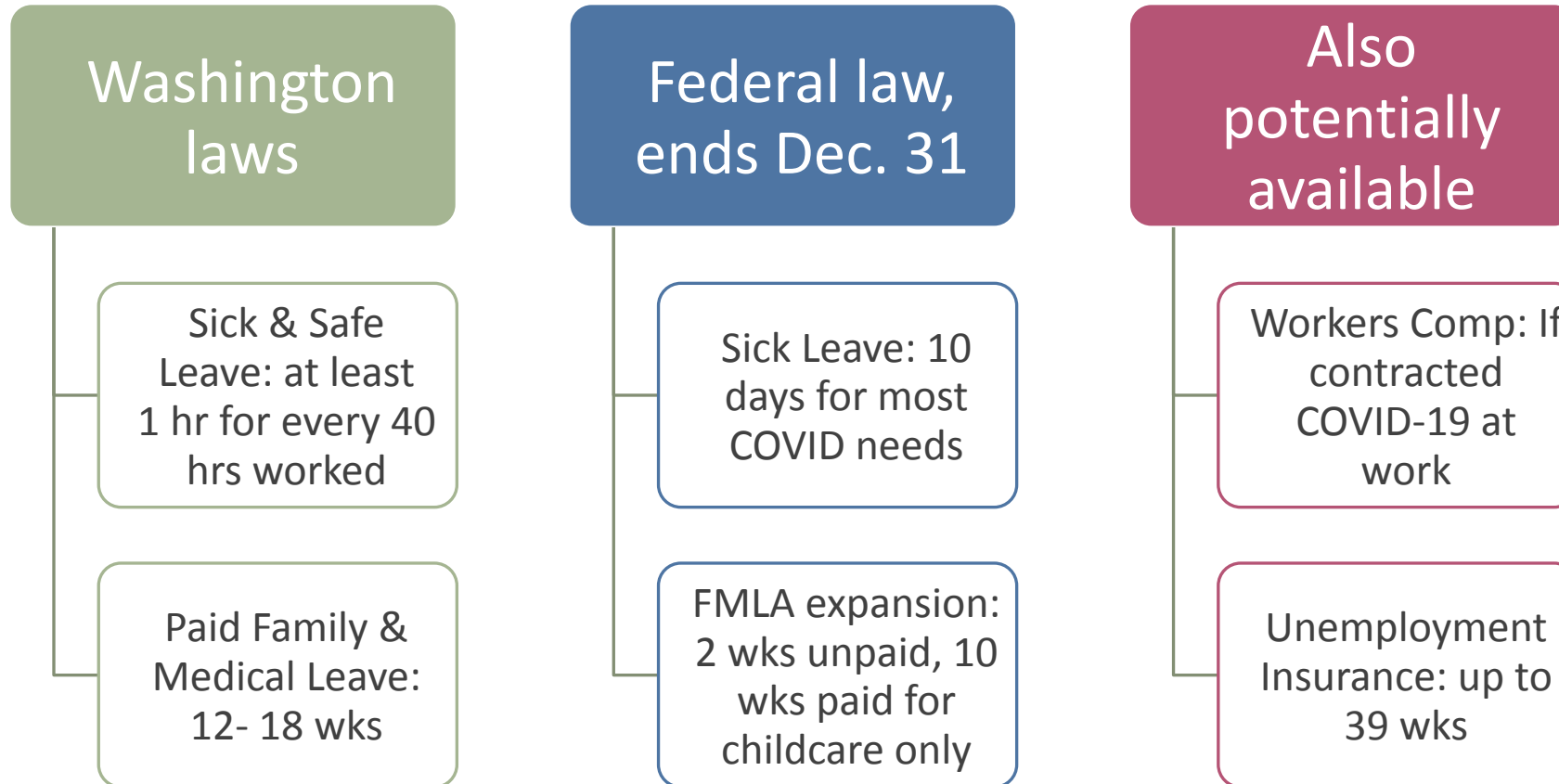
## Here for you.

Paid time off when you need it most.  
Learn about your new benefit.

[Get started](#)



# Overview of COVID-19 paid leave options



# Washington paid leave options

## Existing paid sick days

You are ill, caring for sick family member, seeking health care

Your work place or child's school or daycare is closed by public health order

Domestic violence, sexual assault, stalking

## WA PFML

You or a family member are seriously ill with COVID-19

You or a family member have any serious health condition

You are caring for a new child or a family member is deployed overseas

# Washington paid leave minimums

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## PAID SICK & SAFE LEAVE

- At least 1 hr for every 40 hrs worked
- Full pay via paycheck
- Enforced by Dept. Labor & Industries, Seattle, Tacoma
- C.b.a. or employer policy may provide additional

## PAID FAMILY & MEDICAL LEAVE

- 12 to 18 weeks
- Eligibility: 820 hours work in past yr
- Social insurance program
- 90% to 60% pay
- Apply at [paidleave.wa.gov](http://paidleave.wa.gov)

# Gov. Inslee's emergency order:

In effect Apr 13-Jun 12

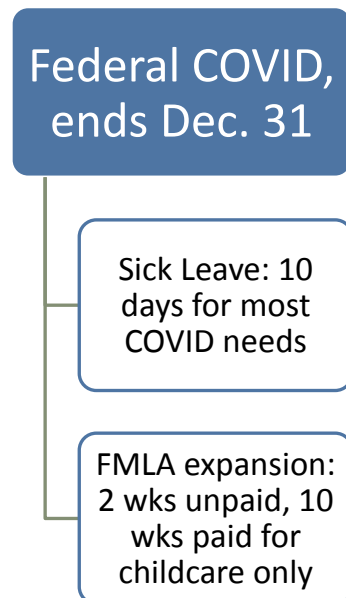
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Workers defined as [high-risk](#) by CDC have rights to accommodations at work to prevent coronavirus infection, and where not feasible:

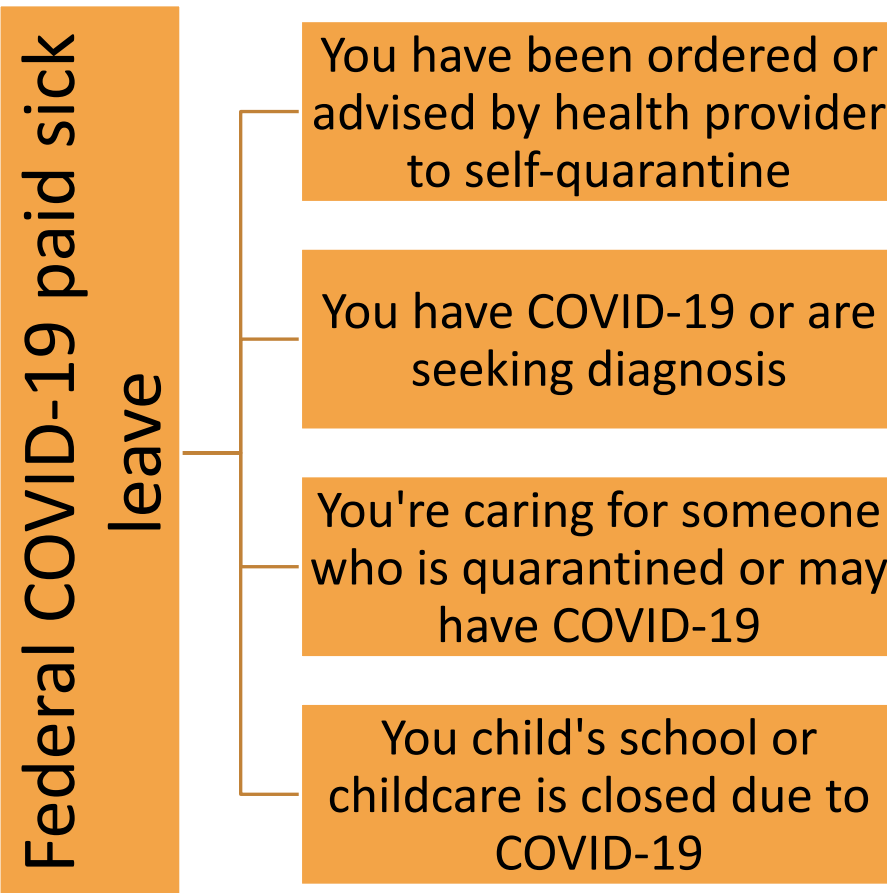
- Use of employee's choice of any accrued employer-provided leave or UI
- Unpaid leave until safe to return to work
- Continuation of health insurance
- Protection from retaliation or permanent replacement

# Federal COVID-19 response paid leave

- Covers all non-federal public sector; private employers with fewer than 500 U.S.-based employees
- Employers of health care workers & emergency responders, or with fewer than 50 employees can request exclusion for all or some workers
- You must have a job and have work available
- Available April 1-Dec. 31, 2020 only
- Paid by employers, who are reimbursed by IRS
- Enforced by U.S. DOL



# Federal Emergency Paid Sick Time



- **In addition** to any other leave
- 10 days (80 hrs)
- Prorated for part time
- Full pay up to \$511 per day for self
- 2/3 pay up to \$200 per day for caring for someone else (may “top off”)
- Your choice when to use



# Federal COVID-19 FMLA Expansion

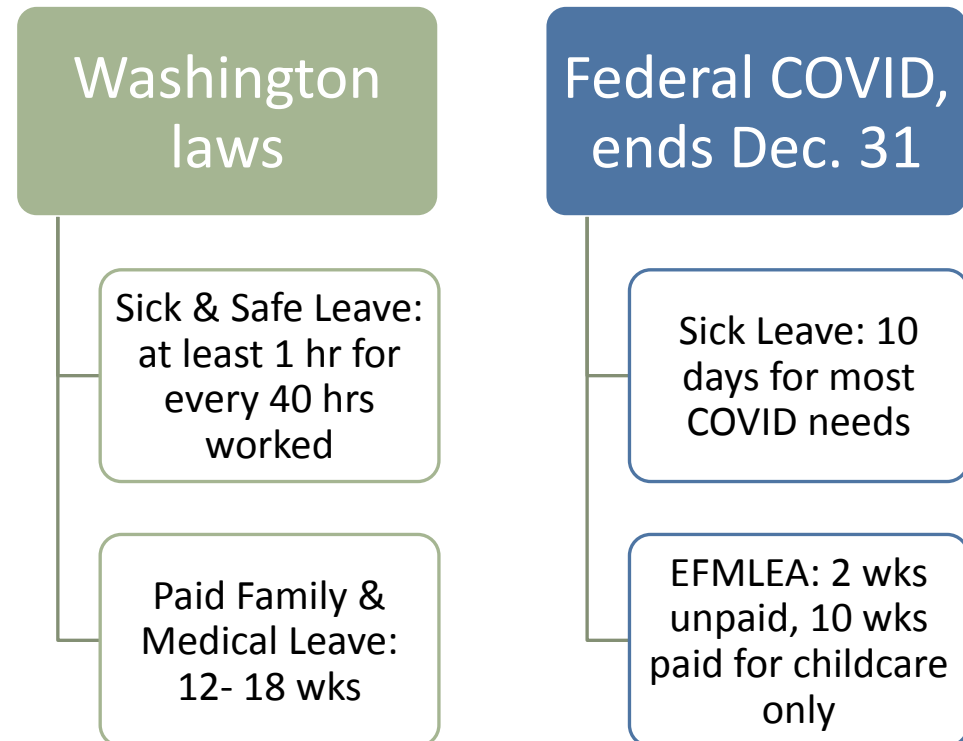
Federal COVID-19 paid family leave

Your child's school or daycare is closed due to coronavirus

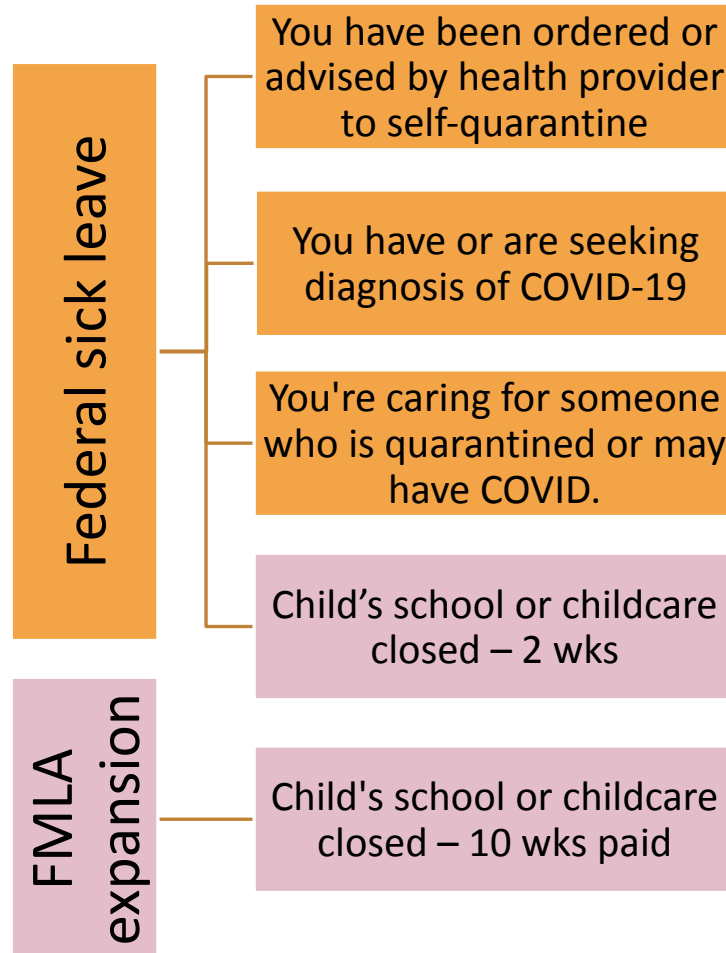
- 1<sup>st</sup> 2 weeks unpaid (can use sick leave); 10 weeks paid
- 2/3 of usual wage up to \$200 per day (total up to \$10,000; may “top off” or supplement)
- Eligibility: with employer 30+ days
- Job protection in firms with 25+ employees
- Employers may deduct any FMLA taken within last 12 months and restrict future FMLA  
(*no impact on WA PFML*)

# When to use which paid time off?

- What can I use it for?
- How much time off can I get?
- How much will I get paid?
- How soon will I get paid?
- What might I need later on?



# For COVID-related, consider using federal leave first



- This leave expires Dec. 31
- Full pay in regular paycheck for self
- 2/3 pay for caregiving. *Hint: ask employer to top off or use PTO to supplement*
- You'll still have all your employer paid leave and WA PFML for other needs
- Check Workers' Comp eligibility if you got COVID-19 at work: [Lni.wa.gov](https://lmi.wa.gov)

# Consider using your regular sick leave or WA PFML:

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- For non-COVID-19 needs
- For COVID-19 if your employer isn't covered by federal emergency leave or excludes you from coverage
- Consider for COVID if you have 100s of hours of sick leave accrued
- Remember – due to high demand, [WA PFML](#) and [Unemployment Insurance](#) currently take several weeks to approve applications (but pay retroactively to beginning of eligibility)
- PFML is also available between jobs or if you have no work, as long as you worked 820 hours last year; apply at [paidleave.wa.gov](https://paidleave.wa.gov)

# Emergency expansions may make Unemployment Insurance an option

## Unemployment Insurance

Your employer has reduced your hours

You have been laid off or furloughed

You are a gig worker or self-employed and no longer have work

You were about to start a new job, but the job is no longer there

- Federal and state COVID-response expansions make UI available to many impacted documented workers
- Between March 29 and July 25, UI recipients will receive \$600/wk on top of usual benefits
- Benefits are retroactive to date of eligibility and can extend for up to 39 weeks
- See [eligibility checker](#) and apply at [esd.wa.gov](https://esd.wa.gov)

# FAQs: How do I apply for federal emergency paid leave?

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1. Let your employer know in advance if possible
2. Provide your employer a written statement with:
  - Your name, dates of requested leave, and reason you can't work
  - If under quarantine or isolation, the government entity that ordered or health care provider who advised
  - If caring for child who's school or childcare is closed, the names of the child and school/childcare, and a statement that no other suitable person is available to provide care

# FAQs: Are gig and self-employed workers covered?

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- **WA PFML:** Gig, contract, and self-employed people may opt in at [paidleave.wa.gov](https://paidleave.wa.gov)
- **Federal COVID-19 paid sick leave and FMLA expansion:** Gig, contract, and self-employed people may claim tax credits for both, and reduce their quarterly tax payments accordingly. See [IRS.gov](https://irs.gov) for details.
- **Pandemic UI expansion:** Gig, contract, self-employed people, and recent entrants to the workforce can receive Unemployment Insurance during emergency period at [esd.wa.gov](https://esd.wa.gov)

# FAQs: Are immigrant workers covered?

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For most paid leave options, yes:

- Immigrant workers are fully covered by Washington Paid Sick & Safe Leave and Paid Family & Medical Leave laws, regardless of status.
- Immigrant workers are entitled to federal emergency COVID-19 leave regardless of status.
- Use of paid leave does not count as “public charge.”

Undocumented workers cannot access UI or many other federal and state programs.

See [FairWorkCenter.org](https://www.fairworkcenter.org) or [NWjustice.org](https://www.nwjustice.org) for additional help.



# FAQs: Can my employer supplement pay under federal emergency paid leave?

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- If you take either the new federal COVID response paid sick leave or paid family leave to care for someone else, U.S. Dept. of Labor [guidance](#) says explicitly that **employers may pay more** than the required 2/3 of your usual pay (but your employer will not receive federal reimbursement for that extra amount).
- You and your employer may also agree to use your regular PTO or sick leave to “top off” either federal benefit up to your usual wages.
- While using the 10 weeks of FMLA expansion to care for your child whose school or childcare is closed, **you have the right to choose** to take other accrued employer-provided leave and receive full pay. Your employer may also require you to take other leave concurrently during this time, but if they do, must give you full pay.

# FAQs: Can I take leave intermittently?

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- Yes, you can take Washington's sick leave an hour or two at a time, or in larger blocks. You can also take Washington PFML intermittently, with a minimum of 8 hours in a week.
- Federal COVID paid leave can be taken intermittently with the employer's consent:
  - for any covered reason if you are working from home
  - for child care only if you are working at a worksite (not for COVID illness or potential infection)

# Get more information on your rights

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[Esd.wa.gov/newsroom/covid-19](https://esd.wa.gov/newsroom/covid-19)

[Paidleave.wa.gov](https://paidleave.wa.gov)

[Lni.wa.gov](https://lni.wa.gov)

[Seattle.gov](https://seattle.gov)

[DOL.gov](https://dol.gov)

[Opportunityinstitute.org](https://opportunityinstitute.org)

# Keep fighting! Ask Congress and policymakers to:

- Expand federal emergency leave to cover all workers
- Expand grants for child care and small business recovery
- Create permanent federal standards for paid sick & safe time and paid family & medical leave for all U.S. workers
- Push for strong state and federal stimulus – NO to austerity and prolonged recession
- Rebuild economy to promote equity, worker power, and working family resiliency

