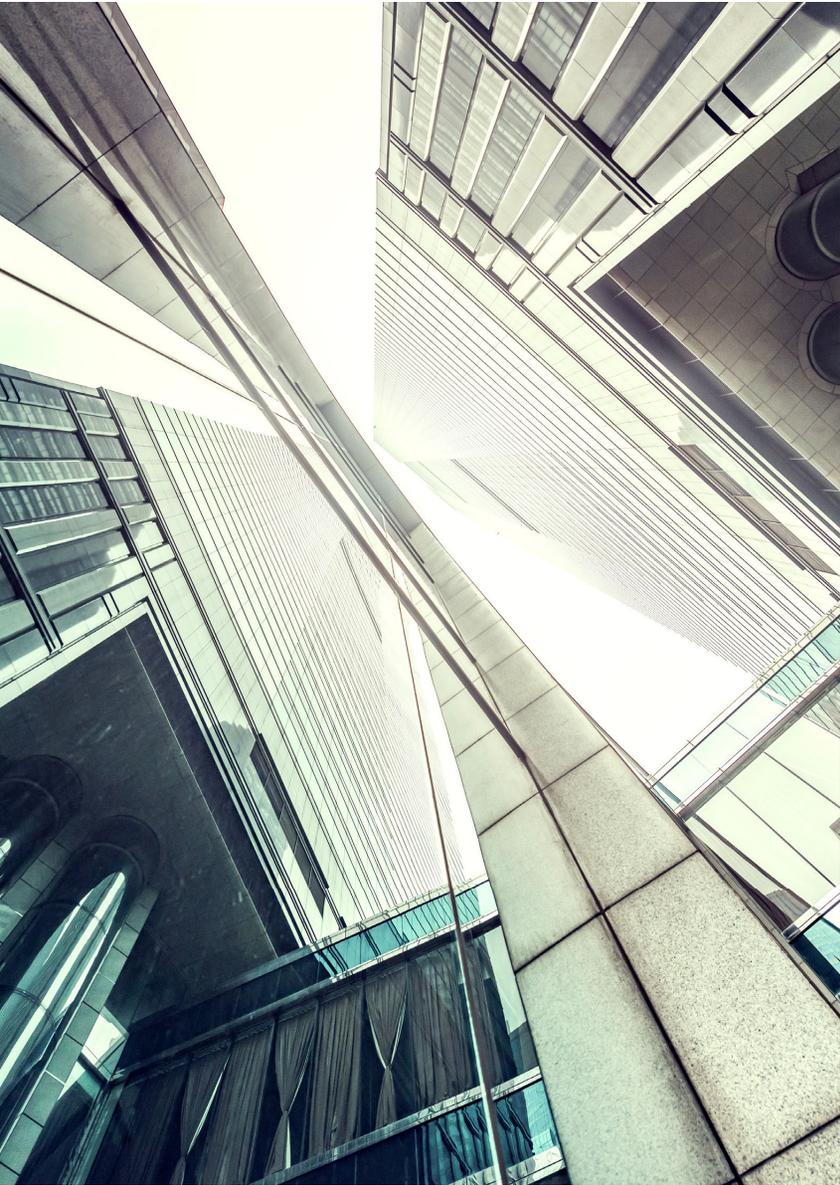


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WASHINGTON PFML 2026 UPDATES



PFML LEGISLATIVE CHANGES AND EMPLOYER IMPACT

WASHINGTON PFML 2026 UPDATES

Key WA PFML Provisions Overview

- Employees entitled to 12-18 weeks of PFML paid leave benefits per claim year for family and medical-related needs (16-18 weeks for combined family/medical and/or pregnancy-related complications). Need only work 820 hours in WA (anywhere) for benefit eligibility
- **Minimum Duration:** Employees could claim PFML in a minimum of 8 consecutive hours per benefit week
- **Healthcare Cont:** PFML law did not independently mandate continuation of healthcare coverage during PFML leave, unless the employee had at least “one day overlap” between PFML leave and federal FMLA leave
- **Job Protection:** PFML only required employer restore the employee to their same or equivalent position upon return from PFML leave if employer has 50+ employees, and employee worked for employer 12 months and 1,250 hours prior to leave (like FMLA w/o 75-mile limit)
- **Stacking:** Significant loophole in PFML law allowed FMLA-eligible employees to stack FMLA+PFML leave consecutively by simply delaying their application for PFML leave until FMLA expired, amounting to 24 weeks or more of mandated job-protected leave.



Overview of Key PFML Modifications Under HB 1213

- **Reduced Leave Duration Requirement**
- **Revised Job Restoration Framework**
- **Leave Stacking Limits**
- **Health Insurance Continuation**



Minimum Claim Duration Reduction and Employer Tracking

Reduced Claim Duration Benefits

Reducing minimum claim duration from eight hours to four hours.

Employer Tracking Requirements

Employers must update payroll and HRIS systems to track leave in four-hour increments.

Operational and Compliance Impact

Increased intermittent leave affects staffing, overtime, and requires training on policy interactions and compliance.



JOB RESTORATION, STACKING, AND HEALTH BENEFITS

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Who is Covered?

1. Employer Size (25+ or more in 2026)
2. 180 days of employment, no minimum hours

Period of Job Protection: 16 or 18 weeks

Mandatory Employee Notices

Job Restoration



Denying Job Restoration

1. Employer Can Show Employee Not Otherwise Employed

2. Employer Exercises Right to Deny Restoration

- Salaried and top 10% of employees within 75 miles and
 - a. Denial necessary to prevent harm
 - b. Notice to employee when decision is made
 - c. Employee elects not to return after receiving notice

In either scenario, notice must be provided to employee

3. Employee Forfeits Right to Job Restoration



Restricting Job Restoration/Stacking

- 1. FMLA + PFML in 52 week period**
- 2. Maximum Protections: 16 or 18 weeks**
- 3. Must Provide Continuing Notice to Employee**



An employee takes six weeks of leave under FMLA but does not receive benefits under PFML for the same period.

The employer wishes to retain the right to apply these six weeks of FMLA leave toward a potential future use of paid family or medical leave that would result in a combined maximum of more than 16 weeks of leave. Leave is not being taken as a result of a serious health condition with a pregnancy resulting in incapacity.

The employer provides the proper notice and continues to do so monthly.

Six months later, the employee is approved for 12 weeks of paid family leave to bond with a new child in the home. The employer notifies the employee that their previous use of FMLA within the last 52 weeks is being applied to job protection associated with their paid family leave.

When does employee have to return to work?





Continuation of Health Insurance During PFML Leave

Mandated Health Coverage

Employers must maintain health insurance benefits during PFML leave whenever job protection/restoration applies, regardless of FMLA overlap.

Employee Premium Responsibilities

Employees must continue paying their usual share of premiums

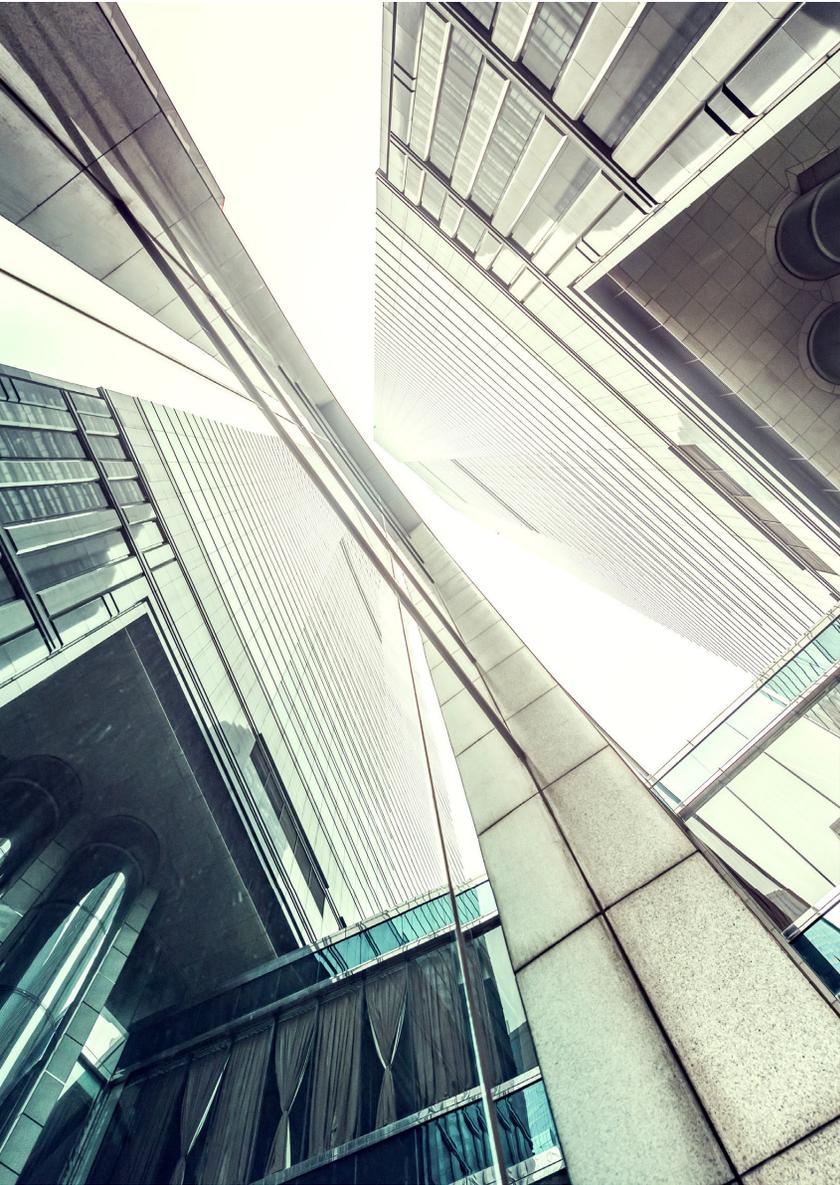
Termination of Right

Employee does not exercise job restoration

Employee provide notice of intent to not return

Administrative Coordination

Employers must work closely with third-party administrators and insurers to prevent coverage lapses during intermittent or extended leave.



ORGANIZATIONAL COMPLIANCE AND IMPLEMENTATION STRATEGY

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Comprehensive HR and Payroll Compliance Actions

Policy Revisions and Updates

HR and legal teams must revise PFML, FMLA, and benefits policies to reflect new requirements.

Payroll and HRIS System Configuration

Configure systems for precise leave tracking, benefit calculations, and automated notifications.

Benefit Administration and Training

Update benefit administration processes and train staff on ADA and WLAD accommodation requirements for extended leave.



Questions?

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