



Paid Family Care Leave Program

Frequently Asked Questions (FAQs) for Employees

The City of Seattle is excited to offer paid family care leave (PFCL) to employees who meet the eligibility requirements on or after January 1, 2017. Eligible employees may receive up to four weeks (160 hours, prorated for part-time employees) of paid leave to care for a family member with a certified serious health condition.

Please read the FAQs below for employees. If you have additional questions or want to start the application process, please contact your department's human resources representative or Leave Coordinator. Additional resources are available online at the [Paid Family Care Leave Program webpage](#), or contact Shauna Fitzner in the Seattle Department of Human Resources at shauna.fitzner@seattle.gov.

Eligibility

1) Q. Who is eligible for PFCL?

A)

You are eligible if:

- You have been employed in a regularly appointed position and/or temporary benefits-eligible assignment for a total period of at least six consecutive months immediately preceding the date on which you wish to start PFCL. The period of six consecutive months begins from the most recent date you became eligible for benefits, regardless of temporary, regular, full-time or part-time status, and
- You have an eligible family member with a certified serious health condition (see FAQ #2), and
- You have not exhausted your FML entitlement (see FAQ #19), and
- You have met the paid vacation and sick leave balance requirements (see FAQs #8 and #9).

2) Q. Who is an eligible family member? What is considered a “serious health condition?”

A.

Eligible family members include your child¹, spouse or domestic partner, parent, or parent of your spouse or domestic partner with a serious health condition certified by a health care provider of the eligible family member. A serious health condition is an injury, illness, impairment, or physical or mental condition that includes:

- Inpatient care in a hospital, hospice, residential or care facility, or
- Continuing treatment by a health care provider

PFCL may not be used for an employee's own serious health condition.

¹ Qualifying children include biological, step-children, adopted children, foster children, legal wards, or a child for whom the employee is standing “in loco parentis.” The child must be under 18 years of age, or incapable of self-care due to a disability if older than 18. Please contact your human resources representative if you have questions about your eligibility to care for a child using PFCL.

- 3) Q. When does the PFCL benefit become effective?**
 A. The benefit is effective for qualifying absences on or after January 1, 2017. If you had such an absence on or after the effective date, but before the legislation is finalized, see “Retroactive Payment for PFCL” on page 5 of this FAQ.
- 4) Q. How often am I eligible for PFCL?**
 A. The eligibility timeframe for PFCL is the same as for unpaid family medical leave - an employee is eligible for up to four weeks (160 hours, prorated for part-time employees) of PFCL per rolling 12-month period, so long as you meet the eligibility criteria in FAQ #1. A rolling 12-month period is 12 months measured backward from the date the employee seeks to take the PFCL. For example, if you took two weeks of PFCL beginning on January 1, 2018, and two weeks beginning on July 1, 2018, you would be eligible for an additional two weeks of PFCL on January 1, 2019 and another two weeks on July 1, 2019.
- 5) Q. If I and my spouse/domestic partner both work for the City and we have a family member that requires care due to a serious health condition, are we each eligible to take the full amount of PFCL?**
 A. Yes, if you and your spouse or domestic partner both work for the City and meet the eligibility criteria of the benefit, each of you are eligible to take up to the full four weeks of PFCL to care for a qualified family member². The legislation does not prohibit the use of leave by both spouses/domestic partners who work for the City of Seattle.

Amount of Leave

- 6) Q. How much PFCL is available if I’m eligible?**
 A. Each full-time employee is eligible for up to four weeks or 160 hours per rolling 12-month period, if certified by a health care provider. Full-time employees on alternative work schedules (compressed work weeks) are also eligible for 160 hours per rolling 12-month period.
- 7) Q. I’m a part-time employee. Is PFCL pro-rated for part-time employees?**
 A. Yes, PFCL is pro-rated for part-time employees. If the employee works a fluctuating schedule, the amount of leave credited to the employee is based on the average straight-time hours paid and FML entitlement hours during the preceding 12 months. For example, if an employee was paid for 1,000 hours and had 40 hours of unpaid FML in the 12 months preceding the leave (0.5 FTE), they would receive up to 80 hours of PFCL.
- 8) Q. Am I required to exhaust my leave prior to accessing the PFCL?**
 A. You are required to reduce your paid vacation balances to one week and paid sick leave balances to two weeks to become eligible for PFCL. You must meet these eligibility requirements with each separate certification to have the leave loaded into your paid leave balances.

Example 1. A doctor certifies your absence to care for your minor child with a serious health condition. Prior to having PFCL loaded into your ESS account, you must reduce your vacation balance to one week and sick leave balance to two weeks. Later that year, a doctor certifies your

² “Care” of a qualified family member shall be administered consistently with the Family Medical Leave Act.

absence to care for your spouse. You must again reduce your vacation and sick leave balances to receive additional PFCL. Your maximum allowable PFCL for the rolling 12-month period is four weeks.

Example 2. A doctor certifies your absence to care for your mother for four hours, once a week for twelve weeks. Prior to receiving PFCL, you must reduce your vacation and sick balances as stated above. The total amount of PFCL leave certified will be loaded into your leave balances (you will not be required to reduce vacation and sick leave balances prior to each individual absence).

Example 3. A doctor certifies your absence to care for your spouse for two weeks. Prior to receiving PFCL, you must reduce your vacation and sick balances as stated above. Six months later, a doctor certifies an additional two weeks to care for your spouse for the same condition. You must again reduce your vacation and sick leave balances to access PFCL. Your maximum allowable PFCL for the rolling 12-month period is four weeks.

- 9) **Q. Why am I required to reduce my leave balances before accessing the leave?**
A. The intent of the PFCL benefit is to assist employees who do not have paid leave balances to cover absences due to caring for family members with a serious health condition. Employees are permitted to retain a small amount of leave (one week of vacation and two weeks of sick leave) to guard against the risk of going on unpaid leave for other reasons. Additionally, requiring employees to reduce their leave helps the City contain the costs associated with offering the benefit.
- 10) **Q. If my family member/s has/have multiple serious health conditions, how much leave could I use?**
A. You may use up to a total of four weeks (160 hours, prorated for part-time employees) of PFCL in a rolling 12-month period for one or more serious health conditions affecting a family member or members, provided you meet the eligibility requirements. You will need to have leave certified for each qualifying health condition (see FAQ #15) and will need to reduce your leave to the required maximums each time you seek leave for a qualifying condition (FAQ #8).

Use of Leave

- 11) **Q. If I am approved for PFCL, may I use the leave intermittently?**
A. Yes, leave may be used intermittently or on a reduced schedule if it is certified as medically necessary. Under certain circumstances, you may be required to transfer to an equivalent position that can better accommodate your intermittent or reduced schedule leave.
- 12) **Q. In what increments may I take the leave?**
A. PFCL may be used in increments as small as 15 minutes.
- 13) **Q. Can I use PFCL on my time sheet prior to department approval?**
A. PFCL must be approved prior to entry on a time sheet. PFCL hours will be added to your leave accumulator balances and may be viewed in your Employee Self Service account under the Payroll dropdown. Authorization to use the hours may be given prior to loading of the leave. This may result in necessary time sheet

adjustments. Work with your HR and payroll to have your time sheet adjusted appropriately.

14) Q. Does the leave expire? What if I have unused leave left over?

A. Leave expires after one year, or sooner if the qualifying condition ends.

15) Q. Can I use the leave for other reasons than my family member's serious health condition as stated on my certification paperwork?

A. No. Once you are approved to use a specific amount of PFCL, you are permitted to use the leave only for the purpose and duration specified in the medical necessity certification paperwork. If you have not exhausted the approved amount of PFCL within the dates stated on your certification paperwork, you will be required to provide new certification paperwork before using additional PFCL leave. Leave not used within 12 months of receipt of the leave will be forfeited regardless of certification paperwork; however, if eligible and if the circumstances warrant it, you may submit a new application for PFCL leave.

Documentation

16) Q. If I am approved for PFCL, will I be required to certify the medical need for the leave?

A. Yes, in order to get approval to take PFCL, you will be required to certify the medical need for leave, along with the hours, frequency, and duration of the requested leave. Personnel Rules are being developed that will identify certification requirements. In the meantime, departments should use the same standards, forms and processes to certify the medical need for leave as required when an employee requests family medical leave to care for a family member with a serious health condition.

Return to Work

17) Q. Am I expected to return to work after PFCL ends?

A. PFCL is not intended to be used immediately prior to a retirement, resignation, or separation. However, after you exhaust your approved PFCL leave hours, you may be eligible to use other paid and/or unpaid leaves available to you that would extend your leave from work.

18) Q. If I don't return to work after using PFCL (as well as associated sick leave, vacation, Family Medical Leave (FML), etc.) would I be required to reimburse the City for an amount equal to the value of the leave?

A. Yes, if an employee fails to return to work after using PFCL and there is no qualifying reason to warrant additional leave time, you may be required to reimburse the City for amount equal to the value of the PFCL leave you took.

Interaction with Other Leaves and Benefits

19) Q. Does PFCL run concurrent with FML? Must PFCL be designated as FML and count against my FML benefit?

A. Unlike other City paid leave programs, PFCL runs concurrently with FML and counts toward your FML benefit. If you have exhausted your FML entitlement in

the previous rolling 12-month period, you are not eligible to take PFCL until you become entitled to use FML again.

20) Q. What do you mean by FML entitlement?

A. You are allowed a total of 90 days or 520 hours (prorated for part-time employees) of unpaid FML, or a combination of unpaid FML and PFCL in a rolling 12-month period. PFCL is limited to four weeks (160 hours, prorated for part-time employees) within the rolling 12-month period.

21) Q. Does PFCL provide me with job protection?

A. Yes, your job is protected while on PFCL in a similar manner to the City's FML program. However, under certain circumstances, you may be required to transfer to an equivalent position that can better accommodate your intermittent or reduced schedule leave.

22) Q. How does PFCL interact with my healthcare benefits?

A. You will maintain your City healthcare coverage provided you report at least 80 hours of paid time or unpaid FML in a month or meet other healthcare criteria.

Pay and Time Sheet Completion

23) Q. How would I get paid if I'm approved for PFCL? Will there be a new pay code created to use on time sheets?

A. Employees will receive the straight-time rate of pay that they would receive for other paid leave (i.e., vacation or holidays). The pay code for use of PFCL on your time sheet is FN. Your department will load your eligible PFCL hours after your application has been approved.

Retroactive Pay for PFCL ("Retro")

24) Q. What is PFCL Retro?

A. The legislation authorizes eligible employees to use the leave retroactively back to January 1, 2017. Since we cannot put the new benefit in place until the legislation process has completed, eligible employees who took paid or unpaid leave to care for a family member with a serious health condition since January 1, 2017, may have their hours and pay adjusted retroactively to take advantage of the new PFCL benefit, so long as they can provide sufficient medical certification and meet all other PFCL requirements.

25) Q. Who is eligible for PFCL Retro?

A. You are eligible for PFCL Retro if between January 1, 2017 and the pay period authorizing use of the leave on your timesheets, you met the conditions in FAQ #1 and will benefit from or want an adjustment made to your previous paid or unpaid leaves for the qualified period.

26) Q. What if my eligible PFCL event has not ended yet? Do I need or am I required to have retro adjustments?

A. You are not required to have adjustments made to your previous paid or unpaid leave hours. If your PFCL event has not ended and you would have qualified for additional PFCL hours, you may have the hours added to your leave balances for use prior to the end of the PFCL event. If the event has not ended, you have up to

one year to use the PFCL hours, providing at the time of use you are not exceeding your FML entitlement hours in the previous 12 months.

27) Q. How do I apply for Retro PFCL, is it automatic?

A. Contact your department leave coordinator to discuss your eligibility requirements, calculate your benefit and review possible retro transactions.