



Paid Family Care Leave Program Bea's Law

Frequently Asked Questions (FAQs) for Employees

Bea's Law expands the existing Paid Family Care Leave benefit (PFCL) to allow an employee time to grieve the death of a child, or the death of a spouse or domestic partner who dies from childbirth complications.

The leave may be used for up to a year after the death of a qualifying family member. It will be treated differently from existing PFCL in that it will not run concurrent with FML and does not require an employee to draw down sick leave or vacation leave to access the benefit.

Eligibility

1) Q. Who is eligible for PFCL under Bea's Law?

A. You are eligible if:

1. 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,
2. You have not exhausted your four-week entitlement in the last 12-month rolling period looking backward, and
3. You experience the death of an eligible child, or
4. You experience the death of a spouse or domestic partner who dies from childbirth complications

2) Q. Who is an eligible child?

A. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under 18 year of age or:
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - An individual considered "incapable of self-care" is a case-by case determination and means they required active assistance or supervision in three or more activities of daily living or instrumental activities of daily living.
 - Examples of "activities of daily living" include but are not limited to caring appropriately for one's grooming and hygiene, bathing, dressing, eating

- Examples of “instrumental activities of daily living” include but are not limited to cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office

3) Q. When does the PFCL Bea’s Law benefit become effective?

A. The benefit becomes law on or after 30 days of the signing of the legislation. The effective date of the legislation is July 17, 2019.

4) Q. Am I eligible to use leave for a qualifying death prior to the July 17, 2019 effective date?

A. If you have experienced a qualifying death within the year preceding July 17, 2019, you may be eligible for some or all of the leave to be used after July 17, 2019. Bea’s law allows leave to be taken within 12 months of the qualifying death.

5) Q. If I and my spouse/domestic partner both work for the City and we have experienced the death of a child, 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. 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 when you meet the eligibility criteria. 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 prorated for part-time employees. If the employee works a fluctuating schedule, the amount of leave credited to the employee is calculated based on the average straight-time hour in the previous 12-month period (or if less than 6 months may be pro-rated based on schedules for a 12-month equivalent).

8) Q. How often am I eligible for PFCL?

A. An employee may use PFCL for Bea’s Law anytime the eligibility criteria is met and there are PFCL hours available within the 160 hours per rolling 12-month period timeframe, (pro-rated for part-time employees). 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, 2020, and two weeks beginning on July 1, 2020, you would be eligible for an

additional two weeks of PFCL on January 1, 2021 and another two weeks on July 1, 2021.

9) Q. Am I required to exhaust my leave prior to accessing the PFCL for Bea's Law?

A. When you use PFCL for the eligibility criteria listed in FAQ #1 for Bea's Law, you are not required to reduce your paid vacation balances to one week and paid sick leave balances to two weeks to become eligible for PFCL.

10) Q. Am I eligible for Bea's Law PFCL leave if I have exhausted the PFCL benefit for other reasons in the last 12 months?

A. You may apply for Bea's Law Leave, however you may not be eligible until there are hours available based on a rolling 12-month period. Your department HR/Leave partners will provide you with your available hours.

11) Q. If I experience multiple reasons to use PFCL, 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, the death of a child, or death of a spouse/domestic partner who dies from childbirth complications. You will need to have leave certified for each qualifying condition.

Use of Leave

12) Q. If I am approved for Bea's PFCL, may I use the leave intermittently?

A. Yes, leave may be used intermittently or on a reduced schedule if the appointing authority and employee mutually agree. Under certain circumstances, you may be required to transfer to an available, vacant equivalent position that can better accommodate your intermittent or reduced schedule leave.

13) Q. In what increments may I take the leave?

A. PFCL may be used in increments as small as 15 minutes.

14) 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.

15) Q. Does the leave expire?

A. Leave requested under Bea's Law expires after one year from the date of your loss. Leave under PFCL for a family member's serious health condition expires one year from application of the leave, or when eligibility ends. An employee who has exhausted leave under PFCL for a family member, may be eligible for Bea's Law leave once leave is available through the rolling 12-month look back period and within one year of the date of the death.

16) Q. Can I use PFCL for other reasons than what I certified for?

A. No. Once you are approved for PFCL, you are permitted to use the leave only for the purpose and duration specified. You may apply for and certify leave for additional eligible reasons. Your leave will still be limited to 160 hours within a 12-month period. 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

17) Q. What documentation will be necessary to certify my leave under Bea's PFCL?

A. You will only be required to provide your department with a copy of the death certificate.

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

A. No. You will only be required to provide your department with a copy of the death certificate.

Interaction with Other Leaves and Benefits

19) Q. Does Bea's Law PFCL run concurrent with FML?

A. Unlike PFCL for a family member, Bea's Law PFCL does not run concurrently with FML or count towards your FML benefit entitlement hours.

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. Bea's Law PFCL does not run concurrent with FML.

21) Q. Is my job protected while I am using PFCL?

A. Yes, your job is protected while on PFCL in a similar manner to the City's FML program. However, under certain circumstances, if you are approved for to use

the leave on an intermittent or reduced schedule basis, 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.

23) Q. Am I still eligible to use the Funeral Leave benefit offered by the City?

A. Yes, employees are eligible to use Funeral Leave as specified in our Personnel Rules or per an employee's Collective Bargaining Agreement.

24) Q. Am I eligible to apply for Sick Leave Donations, if I have exhausted all my leaves?

A. You may apply for Sick Leave Donations, if you have a need for medical leave for your own serious health condition and have exhausted your other relevant paid leaves. For more information, see Personnel Rule 7.7 on Sick Leave and Sick Leave Transfer.

Pay and Time Sheet Completion

25) Q. How would I get paid if I'm approved for Bea's Law 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 on your time sheet for a Bea's Law reason is FG. Your department will load your eligible PFCL hours after your application has been approved.