

**CITY OF MONROE  
RESOLUTION NO. 2024-018**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONROE, WASHINGTON, ADOPTING THE UPDATED PAID  
FAMILY MEDICAL LEAVE (PFML) POLICY

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WHEREAS, the Paid Family Medical Leave (PFML) program, established by the Washington State Legislature in 2017, allows eligible employees to receive up to twelve weeks of paid leave for various family and medical needs; and

WHEREAS, on June 28, 2022, the City implemented a PFML policy that initially restricted employees from supplementing their PFML benefits with accrued leave, leading to concerns about employees' benefits status while on leave; and

WHEREAS, the City and the Monroe Police Officers Guild reached a Memorandum of Understanding (MOU) on February 27, 2024, that allows Guild members to supplement their PFML benefits with accrued leave; and

WHEREAS, the goal of this policy update is to ensure consistency in leave benefits and coverage for all employees and units within the City, promoting fairness and clarity in the application of the PFML program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Adoption of the updated Paid Family Medical Leave (PFML) Policy. Paid Family Medical Leave (PFML) Policy, defines, describes, and delineates the applicability of various rules, laws, and collective bargaining agreement(s) that may be applicable to the Paid Family Medical Leave (PFML) for employees of the City of Monroe, is hereby adopted in the form and content provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 24<sup>th</sup> day of September, 2024.

Resolution No. 2024-018  
Approved: 09/24/2024  
Effective: 09/24/2024

ATTEST:

  
Jodi Wycoff (Sep 26, 2024 08:55 PDT)  
Jodi Wycoff, City Clerk

CITY OF MONROE, WASHINGTON:

  
Geoffrey Thomas (Sep 25, 2024 22:02 PDT)

Geoffrey Thomas, Mayor

APPROVED AS TO FORM:

  
Zach Lell (Sep 25, 2024 16:13 PDT)

J. Zachary Lell, City Attorney

# Resolution 2024-018 Exhibit A



## Administrative Policy PFML Policy Operational

### Policy Record

Approval Date	Effective Date	Approved By
09/24/2024	09/24/2024	City Council

<b>Last Review: 06/28/2022</b>	<b>Policy Number: HR2024-018</b>
<b>Next review:</b>	<b>Replaces: 2022-003</b>
	<b>Superseded By:</b>
<b>Official Responsible for Review: HR</b>	

### Policy Statement

The City of Monroe adheres to the Paid Family Medical Leave (PFML) program as mandated by Washington State law (Chapter 50A RCW). This policy outlines the application of PFML, ensuring compliance with both state regulations and City-specific guidelines. PFML provisions will supersede city policies in cases of conflict, except where city policies offer greater benefits.

PFML provides eligible employees with paid leave for personal or family medical reasons, including childbirth, serious health conditions, or caregiving for a covered family member. Employees must meet specific criteria for both monetary benefits and job protection, including hours worked and tenure with the City.

The City acknowledges the importance of ensuring that employees are adequately supported during periods when they are utilizing PFML benefits. To this end, employees may supplement PFML benefits with accrued leave, following City procedures for such requests. The City will maintain health insurance benefits during PFML to ensure continuity of essential health coverage which aligns with our commitment to supporting the well-being of our employees. Any deviation or questions regarding this policy should be directed to the Department of Human Resources.

For comprehensive details on eligibility, benefits, and application procedures, refer to the Washington Employment Security Department's resources or contact the City's HR department.

### Purpose

This policy defines, describes, and delineates the applicability of various rules, laws, and collective bargaining agreement(s) that may be applicable to the Paid Family Medical Leave (PFML) for employees of the City of Monroe.

The purpose of this policy is to explain the types of leave covered by PFML and how PFML leave should be administered within City policy. In case of conflict between City policy and PFML, the provisions of PFML will supersede City policy, unless City leave policies are more generous than

PFML. It is the intent of this policy to apply, without deviation, the provisions of the PFML and its regulations (Chapter 50A RCW). The City's intent is not to provide more generous provisions unless clearly stated. Contact the Department of Human Resources regarding questions or situations not covered by this policy.

## Definitions

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**Absence:** Occurs when an employee does not report for work at all or later than the first thirty (30) minutes of the established start time of the shift or hours of work, or leaves work at any time for greater than a half an hour on a scheduled workday.

**Child:** A child includes biological, adopted, foster and step children or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent. Regardless of age or dependency status.

**Compensation:** Direct monetary payments made to an employee for time and effort expended.

**Continuing treatment:** Two or more visits to a health care provider, two or more treatments by a health care practitioner under orders or referral of a health care provider, a single visit to a health care provider resulting in continuing treatment under the supervision of a health care provider such as a course of medication or therapy to resolve a medical condition, or continued supervision by a health care provider due to a serious long-term or chronic condition or disability which cannot be cured.

**Covered Active Duty or Call to Covered Active Duty Status:** As it relates to leave for a qualifying exigency, the term, "covered active duty or call to covered active duty status," means: in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country and in the case of a member of reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law.

**Covered Service Member:** For purposes of military caregiver leave, a covered service member means (A) a member of the Armed Forces (including a member of the National Guard, or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or (B) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The service member must be receiving medical treatment or oversight by a Department of Defense or Veterans Affairs health care provider or by a Department of Defense TRICARE network or non-network authorized private health care provider. The eligible employee must be the spouse, son, daughter, parent or next of kin of a covered service member.

**Full Time:** An employee who is expected to work at least 40 hours per week on an ongoing and sustained basis.

**Incapacity:** Means inability to work, attend school, or perform other regular duty activities due to the serious health condition, treatment, or recovery.

**Intermittent Leave:** Leave that is taken periodically, from time-to-time, on an as-needed basis, due to a single qualifying reason.

**Job Protected Leave:** The employee is guaranteed the right to return to a former position or an equivalent job following PFML leave.

**Next of Kin:** As it relates to the care of a covered service member, next of kin is the nearest blood relative other than the spouse, parent, son, or daughter. Next of kin is determined in the following priority order unless another blood relative has been specifically designated for this purpose: blood relatives who have been granted legal custody of the service member, brothers and sisters, grandparents, aunts and uncles, and first cousins. When there are multiple family members with the same level of relationship to the covered service member, all such family members are considered the next of kin and may take FMLA leave to provide care to the service member, either consecutively or simultaneously.

**Occurrence:** Any absence from work beginning with the first thirty (30) minutes of nonattendance to the last thirty (30) minutes of nonattendance during working hours including overtime hours. Each absence will count as one occurrence. An absence taken in consecutive workdays will be recorded by the employee's supervisor as one occurrence. For example, if an employee is absent Monday, Tuesday and Wednesday, the employee's supervisor records one occurrence. If an employee is absent on a Monday and works Tuesday and is absent again on Wednesday, the employee's supervisor records two occurrences.

**Parents:** As defined in RCW 49.46.

**Pay:** Pay includes the employee's regular compensation for work performed. Pay does not include overtime or other forms of non-regular compensation.

**Scheduled Work Days:** Any/all days that an employee is expected to be present at work.

**Serious Health Condition:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or incapacity for more than three days, which also involves continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition which, if left untreated, likely would result in a period of incapacity of more than three days, or for prenatal care. Examples include, but are not limited to, diabetes, epilepsy, heart attacks, heart surgery, cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, including asthma, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, nervous disorders, ongoing pregnancy and related complications of pregnancy, childbirth and recovery from childbirth, conditions requiring multiple treatments, such as chemotherapy or kidney dialysis, and treatment for substance abuse if treatment at an in-patient facility is required. Voluntary or cosmetic treatments that are not medically necessary are not considered serious health conditions unless inpatient hospital care is required.

**Son or Daughter:** As it relates to military family leave, a son or daughter means the employee's biological, adopted or foster child, stepchild, legal ward, or a child for whom the employee stood in place of the parent, regardless of age.

**Spouse:** A wife or husband as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized to include registered domestic partners.

## **General Provisions**

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Paid Family and Medical Leave (PFML) is a mandatory statewide insurance program, administered by the Washington State Employment Security Department, which provides almost every Washington employee with paid time off to give or receive necessary care.

### **Eligibility Requirements**

Under PFML, employees may be eligible to qualify for monetary benefits and job protection when taking leave for covered reasons. To meet eligibility requirements for PFML leave, the employee must meet the following requirements.

#### Monetary Benefits:

- The employee must have worked at least 820 hours in Washington employment, for any employer, during the qualifying period.
- First four of last five full calendar quarters or last four full calendar quarters. (RCW 50A.15.010)

#### Job Protection:

- Have worked for current employer at least 12 months
- Have worked for current employer for 1250 hours in 12 months preceding start of leave (RCW 50A.35.010)
- Employees who do not meet FMLA requirements can get compensation benefits but not necessarily job protection

### **PFML Monetary Benefits**

If the claim is approved by the ESD for PFML benefits, partial wage benefits payments will be made by the ESD directly to the employee. The amount of the benefit is based upon a statutory formula. This formula generally results in 75-90 percent of the employee's average weekly wage. The maximum benefit per week is determined by the state. Please refer to the ESD's website for the estimate calculator. During the waiting period employees may use available accrued leave to cover absence. If the employee chooses to use accrued leave during a PFML-covered absence, receipt of accrued leave must be reported to the ESD and claim rates will be pro-rated.

### **Supplementation of PFML Monetary Benefits**

- The City shall allow employees to supplement their PFML monetary benefits (PFML benefits) with their accrued leave, including sick leave, vacation leave, compensatory time, or banked holiday time, but not shared leave.
- Accrued leave must be supplemented in whole hour increments. For example, an employee may not request one-half hour of accrued leave to supplement their PFML benefit but must round up to the full hour.
- When an employee requests to supplement their PFML benefits, the City will calculate the member's hourly rate of pay and provide the rate of pay to the member.

- When an employee requests to supplement their PFML benefits, they are required to provide the City's Payroll Department with the number of accrued leave hours they are requesting.
- The City shall pay supplemental accrued leave to employees consistent with regular payroll processing timelines.
- Employees who elect to supplement their PFML benefits with accrued leave will be on paid status and are entitled to all the benefits they would ordinarily receive as an active employee of the City irrespective of any other rights the employee may have under other federal or state leave laws.

## **Payroll Deductions**

The PFML program is funded through premiums collected by the Employment Security Department (ESD) via payroll deductions and employer contributions. The premium rate is established by law; employees are responsible for two-thirds of the total premium amount.

## **Applying For Leave**

The request is made directly to the Washington Employment Security Department at <https://paidleave.wa.gov/apply-now/>. Eligibility determinations will be made by ESD. If approved employee will need to file weekly benefit claims with the ESD to continue active benefit status.

Requesting Leave with the City of Monroe: If the need for leave is foreseeable, it is requested that the employee provide the City of Monroe at least 30 days' notice. For emergency leaves the request for leave must be provided as soon as feasible. If leave is taken intermittently, the employee must notify the Human Resources Department each time PFML leave is taken to allow for proper tracking.

## **Qualified Leave**

Eligible employees are entitled to PFML leave. If qualified for the program an employee will be allowed to take up to 12 weeks of medical or family leave, or a combination of up to 16 weeks of family leave for incapacity due to pregnancy per claim year. The claim year will begin when the employee files a claim, or upon the birth/placement of the employee's child. PFML may be taken for the following reasons.

### Medical Leave/Family Leave:

- Welcome a child into your family (through birth, adoption, or foster placement)
- Experience a serious illness or injury
- Need to care for a seriously ill or injured family member (includes spouse, child, parents, grandparents, and siblings)
- Need time to prepare for a family members pre and post deployment activities, as well as time for childcare issues related to a family members military deployment.

### Duration of PFML Leave:

- 12 weeks of family OR medical leave per claim year
- 16 weeks of combination of family AND medical leave

- Additional 2 weeks if medical leave involves incapacity or employee due to pregnancy, for a total of 18 weeks
- Leave may be taken intermittently, subject to minimum weekly claim of 8 consecutive hours
  - Note: PFML permits bonding leave to be taken intermittently
- Waiting Period: First 7 consecutive calendar days, triggered when employee first takes leave for minimum claim duration of 8 hours. (RCW 50A.15.020)
  - Waiting period does not count against duration of protective leave
  - No waiting period for leave upon birth/placement of a child
  - 7-day waiting period starts on Sunday of the week leave is first taken

Exclusion and Disqualification:

Employee is not eligible for PFML if:

- Employee willfully caused injury/illness to self or another, or injury/illness was sustained by employee while committing illegal act
- Employee is on suspension from employment
- Employee is working a second job during hours of leave
- Employee is receiving workers compensation benefits or unemployment benefits

**Maintenance of Health Insurance Benefits**

The City shall maintain the health insurance benefits, including medical, dental, vision, life, and long-term disability insurance of employees who are receiving PFML benefits.

**Job Restoration; Return to Work Recertification**

If an employee is eligible for job-protected leave, they will be reinstated to the same or equivalent position at the conclusion of the PFML leave, barring any unforeseen or unusual circumstances have arisen (e.g. the employee's position or shift was eliminated for reasons unrelated to the leave). The employer may require a return-to-work certification from a health care provider if applicable. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the employer as soon as possible.

# Res 2024-018 Monroe Updated PFML Policy

Final Audit Report

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