

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073

Chapter 109, Laws of 2021

67th Legislature
2021 Regular Session

PAID FAMILY AND MEDICAL LEAVE—PANDEMIC LEAVE ASSISTANCE GRANTS

EFFECTIVE DATE: April 21, 2021

Passed by the House April 13, 2021
Yeas 56 Nays 42

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 7, 2021
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Approved April 21, 2021 3:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 21, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1073

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist, and Harris-Talley)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to expanding coverage of the paid family and
2 medical leave program; adding a new section to chapter 50A.15 RCW;
3 adding a new section to chapter 50A.24 RCW; creating new sections;
4 providing an expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that many
7 Washington workers have suffered direct effects from the COVID-19
8 pandemic. Due to the unprecedented global shutdown in response to
9 COVID-19, many Washington workers who have paid into the paid family
10 and medical leave insurance program are unable to access their
11 benefits through no fault of their own. Workers recovering from
12 COVID-19 or caring for an individual who is severely ill due to
13 COVID-19 are unable to access their benefits.

14 (2) Therefore, the legislature intends to provide financial
15 assistance to workers who are not otherwise eligible for paid family
16 and medical leave due to COVID-19's impact on their ability to meet
17 the hours worked threshold. The legislature intends to provide a
18 pandemic leave assistance employee grant to provide an equivalent
19 benefit to what the worker would otherwise be eligible to receive
20 under the paid family and medical leave insurance program.
21 Additionally, the legislature intends to provide a pandemic leave

1 assistance employer grant to help offset small business employers'
2 costs related to employees on leave who are receiving a pandemic
3 leave assistance employee grant.

4 (3) The legislature intends to utilize federal funding from the
5 America rescue plan act to provide financial assistance to COVID-19
6 impacted workers. The legislature does not intend for this worker
7 assistance to affect the state's paid family and medical leave
8 insurance account.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 50A.15
10 RCW to read as follows:

11 (1) Employees who do not meet the hours worked threshold for
12 eligibility under RCW 50A.15.010 or 50A.30.020(1), and are otherwise
13 eligible under Title 50A RCW for a claim with an effective start date
14 in 2021 through March 31, 2022, are eligible for a pandemic leave
15 assistance employee grant as provided under this section if they meet
16 any of the following hours thresholds:

17 (a) Worked 820 hours in employment during the first through
18 fourth calendar quarters of 2019; or

19 (b) Worked 820 hours in employment during the second through
20 fourth calendar quarters of 2019 and first calendar quarter of 2020.

21 (2)(a) Subsection (1) of this section does not apply to an
22 employee who does not meet the hours worked threshold for eligibility
23 under RCW 50A.15.010 or 50A.30.020(1) because of an employment
24 separation due to misconduct or a voluntary separation unrelated to
25 the COVID-19 pandemic.

26 (b) An employee seeking eligibility under this section must
27 attest, in a manner prescribed by the department, that their failure
28 to meet the hours worked threshold for eligibility under RCW
29 50A.15.010 or 50A.30.020(1) is not due to the reasons specified in
30 (a) of this subsection.

31 (3) Employees may file a claim with the department for a pandemic
32 leave assistance employee grant beginning August 1, 2021.

33 (4) The amount of the pandemic leave assistance employee grant to
34 each eligible employee must be equal to the weekly benefit amount
35 calculated in Title 50A RCW and any rules promulgated thereunder. In
36 calculating the weekly benefit amount for nonsalaried employees
37 eligible under subsection (1) of this section, the typical workweek
38 hours are the quotient derived by dividing the sum of the employee's

1 hours reported by the sum of the number of weeks for which the
2 employer reported hours.

3 (5) An employee is not eligible for a pandemic leave assistance
4 employee grant under this section for any week in which the employee
5 has received, is receiving, or will receive unemployment compensation
6 under Title 50 RCW, workers' compensation under Title 51 RCW, or any
7 other applicable federal unemployment compensation, industrial
8 insurance, or disability insurance laws.

9 (6) Employers with 150 or fewer employees may be eligible for a
10 pandemic leave assistance employer grant to assist with the costs of
11 an employee on leave, as provided in section 3 of this act.

12 (7) Grants under this section are available only until funding
13 provided by the legislature solely for these purposes is exhausted.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 50A.24
15 RCW to read as follows:

16 (1) The legislature recognizes that costs associated with
17 employees on leave who have received or will receive a pandemic leave
18 assistance employee grant under section 2 of this act may
19 disproportionately impact small businesses. Therefore, the
20 legislature intends to assist small businesses with the costs of such
21 employees on leave.

22 (2) Employers with 150 or fewer employees and employers with 50
23 or fewer employees who are assessed all premiums under RCW
24 50A.10.030(5)(b) may apply to the department for a pandemic leave
25 assistance employer grant under this section.

26 (3)(a) An employer may receive a pandemic leave assistance
27 employer grant of \$3,000 if the employer hires a temporary worker to
28 replace an employee on leave who has received or will receive a
29 pandemic leave assistance employee grant under section 2 of this act.

30 (b) For an employee on leave who has received or will receive a
31 pandemic leave assistance employee grant under section 2 of this act,
32 an employer may receive a grant of up to \$1,000 as reimbursement for
33 significant wage-related costs due to the employee's leave.

34 (c) An employer may receive a grant under (a) or (b) of this
35 subsection, but not both, except that an employer who received a
36 grant under (b) of this subsection may receive a grant of the
37 difference between the grant awarded under (b) of this subsection and
38 \$3,000 if the employee on leave who has received or will receive a
39 pandemic leave assistance grant under section 2 of this act extended

1 the leave beyond the leave initially planned and the employer hired a
2 temporary worker for the employee on leave.

3 (4) An employer may apply for a pandemic leave assistance
4 employer grant no more than once.

5 (5) To be eligible for a pandemic leave assistance employer grant
6 under this section, the employer must provide the department written
7 documentation showing the temporary worker hired or significant wage-
8 related costs incurred are due to an employee on leave who has
9 received or will receive a pandemic leave assistance employee grant
10 under section 2 of this act.

11 (6) The department must assess an employer with fewer than 50
12 employees who receives a pandemic leave assistance employer grant
13 under this section for all premiums for three years from the date of
14 receipt of the grant.

15 (7) Pandemic leave assistance employer grants shall not be funded
16 from the family and medical leave insurance account.

17 (8) For the purposes of this section, the number of employees
18 must be calculated as provided in RCW 50A.10.030.

19 (9) An employer who has an approved voluntary plan is not
20 eligible to receive a pandemic leave assistance employer grant under
21 this section.

22 (10) Grants under this section are available only until funding
23 provided by the legislature solely for these purposes is exhausted.

24 NEW SECTION. **Sec. 4.** Nothing in this act shall be construed to
25 limit or interfere with the requirements, rights, and
26 responsibilities of employers and employees under Title 50A RCW,
27 except as provided in this act. Employees and employers receiving a
28 grant under section 2 or 3 of this act must comply with all
29 provisions of Title 50A RCW and any rules promulgated thereunder.

30 NEW SECTION. **Sec. 5.** The employment security department may
31 adopt rules to implement this act.

32 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act expire
33 June 30, 2023.

34 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

Passed by the House April 13, 2021.

Passed by the Senate April 7, 2021.

Approved by the Governor April 21, 2021.

Filed in Office of Secretary of State April 21, 2021.

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