

EFFECTIVE 1.1.26

2026 WASHINGTON PFML UPDATES

Washington's PFML law has been significantly updated as of January 1, 2026. These changes expand job protection, lower eligibility thresholds, clarify health insurance obligations, and introduce new compliance steps for employers of all sizes.

Here's what you need to know, and do, to stay compliant, reduce risk, and support your workforce.



KEY CHANGES AT A GLANCE

1. Expanded Job Protection
2. Shorter Minimum Leave Increments
3. Health Insurance Continuation
4. FMLA and PFML Leave "Stacking"
5. Notice Requirements
6. Premiums and Small Business Grants
7. What Employers Need to Do Now
8. 2026 PFML Compliance Checklist
9. How Rocke Law Can Support You

EXPANDED JOB PROTECTION

- **Who's Covered:** Starting January 1, 2026, employers with 25+ employees must provide job protection to eligible employees on PFML. This threshold drops to 15+ employees in 2027 and 8+ employees in 2028.
- **Employee Eligibility:** Employees qualify for job protection if they have worked for you for at least 180 calendar days before their leave, no minimum hours required.
- **What Job Protection Means:** You must restore the employee to the same or equivalent job, pay, benefits, and working conditions after PFML leave, unless undo hardship would result.
- **Phased Expansion:** The law previously applied only to employers with 50+ employees and required 12 months/1,250 hours of service. Now, more employers and employees are covered, including many part-time and newer workers.

REQUIREMENT	2025	2026
Employer size	50+ employees	25+ employees
Employment duration	12 months	180 days (6 months)
Hours worked for employer	1,250 hours	No minimum hours needed
Continue Healthcare coverage	Only if Paid Leave overlaps with FMLA	Available if you qualify for job protection
Combine FMLA and Paid Leave	Can use job protection concurrently	FMLA time may count against Paid Leave job protection

SHORTER MINIMUM LEAVE INCREMENTS

Employees can now take PFML in as little as 4-hour increments per claim week (down from 8 hours).

HEALTH INSURANCE CONTINUATION

Employers must maintain health insurance for employees during any period of PFML leave when job protection applies, even if the leave does not overlap with FMLA. Employees must continue to pay their share of premiums.

FMLA AND PFML LEAVE “STACKING”

Employers can now count unpaid FMLA leave toward the maximum period of PFML job protection if you provide timely written notice (within 5 business days of the FMLA request and monthly thereafter). This helps prevent employees from “stacking” FMLA and PFML for extended absences.

NOTICE REQUIREMENTS

You must provide written notice to employees within 5 business days of a PFML or FMLA leave request, and monthly for longer leaves. Notices must include:

- 1 That the employer is “designating and counting” unpaid leave as FMLA leave and/or PFML;
- 2 Statement that designation does not affect the employee’s eligibility for PFML;
- 3 Start and end date of leave;
- 4 Estimate of usage and balance (may rely on ESD);
- 5 First scheduled workday;
- 6 Leave year beginning;
- 7 Notice as to continuing benefits; and
- 8 Reinstatement rights.

PREMIUMS AND SMALL BUSINESS GRANTS

- The PFML premium rate increases to 1.13% of gross wages in 2026. Employers pay 28.57%, employees pay 71.43%.
 - *Employers with fewer than 50 employees are exempt from the employer portion but must still collect and remit the employee portion.*
- Small employers (fewer than 150 employees) may apply for grants (up to \$3,000) to help cover costs when employees take PFML leave.

Paid Sick Leave for Immigration proceedings (ESHB 1875)

Employees may use paid sick leave for absences resulting from the need to prepare for or attend judicial or administrative immigration proceedings involving the employee or the employee's family member. The statute is specific as to what documentation is acceptable. Effective date 7/27/2025.



OTHER LEAVE CHANGES

Domestic Violence Leave Expansion (SSB 5101)

To employees who are and whose family members are the victims of hate crimes.

In addition to paid leave for immigration hearings and driver’s license protections, there are new forms of discrimination protection: **Threats based on immigration status.** This change prohibits an employer from making threats regarding an employee's immigration status or his or her family member's immigration status in order to deter the employee from engaging in protected activities or exercising his or her rights under certain labor and employment laws. Effective date 7/1/2025.

WHAT EMPLOYERS NEED TO DO NOW

1. Update Your Policies and Employee Handbook

Revise leave, job restoration, and health insurance policies to reflect the new PFML rules. Ensure your handbook clearly explains eligibility, job protection, and notice requirements.

2. Create Systems and Notice Template, and Train HR and Managers

Create systems to properly respond to leave requests in a timely manner, including the required notice form. Educate your team on the new eligibility rules, notice obligations, and how to handle PFML/FMLA leave requests.

3. Prepare and Distribute Notices

Use the state's updated templates for required employee notices.

4. Coordinate with Payroll and Benefits Providers

Adjust payroll systems for the new premium rates. Confirm health insurance continuation processes are in place.

5. Apply for Small Business Grants (if eligible)

Review grant eligibility and application steps on the state's PFML website.

6. Monitor for Further Updates

The Employment Security Department (ESD) is proposing new regulations on PFML. Stay subscribed to Roche Law's newsletter for updates.

QUICK REFERENCE: 2026 PFML COMPLIANCE CHECKLIST

- Update employee handbook and leave policies
- Create Systems and Notice Template, and Train HR and Managers
- Prepare and distribute required employee notices
- Replace PFML poster with updated version
- Adjust payroll for new premium rates
- Ensure health insurance continuation during PFML leave
- Review and apply for small business grants if eligible
- Subscribe to Roche Law's newsletter for updates



WANT AN EMPLOYMENT ATTORNEY'S SUPPORT?

Roche Law represents employers in their employment law matters. Schedule an appointment for legal advice, or check out our Employee Handbook Review service, with 3 tiers to choose from. Our focus is on Washington employment law, allowing us to proactively stay up to date on changes and the most effective strategies.