

To: Commissioner Cami Feek

From: Erika Peters, Paid Leave Specialist

Subject: Notice for Seasonal Worker's Eligibility for Paid Leave Program

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Executive Summary:

Eligible seasonal workers, such as farm workers, are greatly affected by WAC 195-540-010. These workers are usually from underprivileged and marginalized communities. More attention is needed from policymakers to revise the clause to be fair to these workers who are eligible for the WA State Paid Leave program during the off-season.

Background:

We received an application from a seasonal worker, and it was six months late. It needed to be elevated to the policy team as there is an issue with good cause for backdating. The claimant stated that the employer did not notify him about the program and only heard from friends. The policy team for the Employment Security Department comments that the WAC does not stipulate that the employer needs to inform the seasonal worker since the leave was not during the time he was working. The claim decision resulted in denial for untimeliness.

Policy recommendation:

The WAC states that the employer only has the responsibility to provide information about the Paid Leave Program through a written notice of employee rights if taking either a family or medical for a

duration that is more than seven consecutive days of work. Seasonal employees who take any leave during the off-season do not need notification. Also, the law does not stipulate that the notice should be in their preferred language. There need to be more clauses to protect vulnerable workforce as this has devastating social and economic outcomes. Paid Leave program should be included in onboarding and season-end contract meetings in the worker's preferred language, including any reasonable accommodation, regardless of reasonable assurance for an upcoming season.