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January 14, 2019

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ATTORNEY GENERAL
OF WASHINGTON

The Honorable Bob Ferguson
Attorney General of the State of Washington
PO Box 40100
Olympia, WA 98504-0100

Re: Request for AGO Opinion

Dear Attorney General Ferguson:

I am writing to request a formal Attorney General's Office Opinion pursuant to RCW 43.10.030(5) in regards to withholding of Paid Family Medical Leave ("PFML") premiums under Chapter 50A.04 RCW for elected officials. There has been some question as to whether elected county officials are "employees" for purposes of Chapter 50A.04 RCW, and therefore whether their salaries are subject to withholding for PFML premiums.

1. Are state, county, and city elected officials within the State of Washington "employees" of their respective jurisdictions pursuant to RCW 50A.04.010(4)?
2. Are state, county, and city elected officials within the State of Washington subject to withholding of Paid Family Medical Leave premiums as described by RCW 50A.04.115?

Prior to requesting this opinion, I have consulted MRSC and other members of the Washington Association of Prosecuting Attorneys. The MRSC opinion is based on a response from the Department of Labor and Industries that elected officials *are* employees for purposes of PFML. I and others, after research and comparison of Chapter 50A.04 RCW to Title 50 RCW (unemployment insurance) and Title 51 RCW (industrial insurance), disagree with this assessment. Moreover, elected officials will be unable to receive any benefit from this program, and payment of the premiums is unjust. I believe clarification of this issue would be of aid to all local jurisdictions in the state.

Respectfully,

C. Dale Slack
Columbia County Prosecuting Attorney