

SEATTLE PAID SICK AND PAID SAFE TIME ORDINANCE

ELIGIBILITY: Employees are covered if they perform full-time, part-time or temporary work within Seattle city limits. Only the hours worked in Seattle will count toward accrual of paid sick and paid safe leave.

A person who is typically based outside of the City and performs work in the City on an occasional basis is covered pursuant to rules issued by the Director (to come).

The paid sick and paid safe leave must be used in Seattle.

Employees of a Tier 3 (employer that employs 250 or more full-time equivalents, regardless of where those employees are employed, on average per calendar week) employer shall accrue at least **one hour of paid sick and paid safe time for every 30 hours worked during a calendar year** (January to December). No Tier 3 employer shall be required to allow **an employee to carry over a combined total of paid sick time and paid safe time in excess of 72 hours**. There is no cap on use as of January 1, 2018.

Paid sick and paid safe time shall begin to accrue at the commencement of employment. **Employees are entitled to use accrued paid sick time and paid safe time beginning on the 90th calendar day after the commencement of employment.**



Effective 9/1/2012
Amended: 1/1/2018

Note: Employers who already provide paid sick time and paid safe time or other paid time off to employees do not have to provide additional paid leave as long as the existing leave meets the minimum accrual rates and employees are allowed to use the paid leave for the same reasons and in the same manner as required by Seattle ordinance.

Paid Sick and Safe Time Ordinance

An employee is authorized to use paid **sick** for the following reasons:

- An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; and
- To allow the employee to provide care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care.

An employee is authorized to use paid **safe** time for the following reasons:

- When the employee's place of business has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material;
- When the employee's child's school or place of care has been closed by order of a public official, for any health-related reason, to limit exposure to an infection agent, biological toxin, or hazardous material; and
- For any reasons related to domestic violence, sexual assault, or stalking (RCW 49.76.030).

Note: For purposes of determining eligibility for "paid **Sick** time," a **family member** shall mean a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

For purposes of determining eligibility for "paid **Safe** time," a **family member** means, any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship. A **household member** means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past and who have a dating relationship, persons age 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

Employee Notice Requirements

Paid sick time and paid safe time shall be provided upon request of an employee. When possible, an employee's request shall include the expected duration of the absence.

- If paid leave is foreseeable, a written request must be provided to your branch representative at least 10 days, or early as possible, in advance of the paid leave, unless the customer's normal policy requires less advance notice. When the use of accrued time is foreseeable, schedule the use of paid sick and paid safe time in a manner that does not unduly disrupt the operations of the customer.
- If the paid leave is unforeseeable, the employee must provide notice as soon as practicable to the branch representative and customer and must generally comply with the company's and customer's usual and customary notice and procedural requirements for absences and/or requesting leave.

For use of **paid sick time of more than three consecutive days** for a reason covered by the ordinance, the company may require reasonable verification that the use of paid sick time is for an authorized purpose. If an employer requires reasonable verification, such verification must be provided to the company within a reasonable time period during or after the leave. An employer's requirements for reasonable verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law. Documentation signed by a health care provider indicating that sick time is necessary, and other documentation authorized pursuant to rules issued by the Director, shall be considered reasonable verification.

For use of **paid safe time of more than three consecutive days** for a reason set forth in the ordinance, an employer may require reasonable verification that the employee's use of paid safe time is for an authorized purpose covered by the ordinance. If an employer requires reasonable verification, such verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for reasonable verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

An employer may not require that the documentation for paid sick time explain the nature of the illness.

For any employee who is not offered health insurance by the employer, the employer and the employee shall each pay half the cost of any out-of-pocket expense incurred by the employee in obtaining the employer-requested documentation. An employee who has declined to participate in the health insurance program offered by the employer shall not be entitled to reimbursement for out-of-pocket expenses.

An employer may not ask, or require as a condition of an employee taking paid sick and paid safe time, that the employee search for or find a replacement worker to cover the hours during which the employee uses paid sick and paid safe time.

Paid Sick and Safe Time Accrual and Cap Guidelines

- Current employees will begin to accrue paid sick and paid safe leave on September 1, 2012, which is the date the ordinance takes effect. Accrual rates will not apply to hours worked before that date. New employees hired on or after September 1, 2012 will begin to accrue paid sick and paid safe leave from the start date of employment.
- Sick and safe time will accrue at a rate of 1 hour for every 30 hours worked.
- Employers must pay an employee's "normal hourly compensation."
- Compensation shall only be required for hours that an employee is scheduled to have worked.
- Employees accrue paid leave in one amount and can choose to use it either for sick time or safe time.
- There is **no overall accrual cap** amount as of 1/1/2018.
- No employee will carry over a combined total of paid sick time and paid safe time in excess of 72 hours.
- Overtime exempt employees do not accrue paid sick and paid safe leave for hours worked beyond a 40-hour work week. If an overtime exempt employee's normal work week is less than 40 hours, paid sick and safe leave accrues based on the employee's normal work week. If an overtime exempt employee's normal work week is 40 hours or more, paid sick and safe leave accrues based on a 40-hour work week.

Note: Seattle-based employees begin to accrue sick/safe leave immediately upon starting work, but cannot use the leave until 90 days after starting work.

For overtime eligible employees, accrued paid sick time and paid safe time shall be used in hourly increments or in the smallest increment in which compensation is tracked.

For overtime exempt employees, an employer may make deductions of paid sick time and paid safe time in accordance with state and federal laws.

No Pay Out Upon Termination

- There will be no pay out of accrued but unused sick and safe leave upon termination.
- **Rehires:** When there is a separation from employment and the employee is **rehired within 12 months** of separation by the same employer, previously accrued paid sick and paid safe leave that had not been used shall be reinstated. The employee shall be entitled to use accrued paid sick and paid safe time and accrue additional sick and safe time immediately upon the re-commencement of employment, provided that the employee had previously been eligible to use paid sick and paid safe time.

If separation does occur, the total time of employment used to determine eligibility must occur within three calendar years.

When an employee is transferred to a separate division, entity, or location within the geographic boundaries of the City, or transferred out of the geographic boundaries of the City and then transferred back to a division, entity, or location within the geographic boundaries of the City, but remains employed by the same employer, the employee is entitled to all paid sick and paid safe time accrued at the prior division, entity, or location and is entitled to use all paid sick and safe time as provided in this ordinance.

Retaliation Prohibited

No employer or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this ordinance. An employer may not adopt or enforce any policy that counts the use of paid sick and paid safe time as an absence that may lead to or result in discipline against the employee.

Seattle Zip Codes Included – if employee is *working* in Seattle, in SmartSearch mark Personnel subarea as “Seattle”. If they *live* in Seattle but do not work in Seattle, mark Personnel subarea as “Washington”.

98101	98125	98165
98102	98126	98166
98103	98127	98168
98104	98129	98170
98105	98131	98174
98106	98132	98175
98107	98133	98177
98108	98134	98178
98109	98136	98181
98110	98138	98185
98111	98139	98188
98112	98141	98189
98113	98144	98190
98114	98145	98191
98115	98146	98194
98116	98148	98195
98117	98154	98198
98118	98155	98199
98119	98158	
98121	98160	
98122	98161	
98124	98164	

Employers must comply with these laws. Retaliation is illegal.

2018 Seattle Labor Standards Ordinances

The mission of the Office of Labor Standards is to advance labor standards through thoughtful community and business engagement, strategic enforcement and innovative policy development, with a commitment to race and social justice.



This poster must be displayed in a noticeable area at the workplace, in English and the language(s) spoken by employees.

The Office of Labor Standards provides translations, interpretations, and accommodations for people with disabilities.

SMC 14.19

Minimum Wage

SETS MINIMUM WAGES FOR EMPLOYEES

Large Employers

(501 OR MORE EMPLOYEES)

Does the employer pay toward the individual employee's medical benefits?

NO

\$15.45

PER HOUR

YES

\$15.00

PER HOUR

Small Employers

(500 OR FEWER EMPLOYEES)

Does the employer pay at least \$2.50 per hour toward the individual employee's medical benefits and/or does the employee earn at least \$2.50 per hour in tips?

NO

\$14.00

PER HOUR

YES

\$11.50

PER HOUR

Employer Size

Count the employer's total number of all employees worldwide. For franchises, count all employees in the franchise network

Medical Benefits

Employee must be enrolled in a silver-level or higher plan as defined by the Federal Affordable Care Act

» An employer cannot pay a reduced minimum wage if the employee declines medical benefits or is not eligible for medical benefits

SMC 14.20

Wage Theft

PROVIDES PROTECTIONS AGAINST WAGE THEFT

Employers must pay all compensation owed on a regular pay day and give employees written information about their job and pay.

Written information must include:

- Employer's name and contact information
- Employee's rate of pay, eligibility to earn overtime, pay basis (hour, shift, day, week, commission), and regular pay day
- Explanation of employer's tip policy
- Itemized statement of pay information on pay days

Examples of pay requirements:

- Pay minimum wage
- Pay overtime
- Pay for rest breaks
- Pay amount promised
- Pay for work off the clock
- Pay tips
- Pay service charges (unless listed on receipt or menu as not payable to the employee(s) serving the customer)
- Reimburse employer expenses
- No misclassification of employees

SMC 14.17

Fair Chance Employment

LIMITS USE OF CONVICTION AND ARREST RECORDS

Prohibited:

- Job ads that exclude applicants with conviction or arrest records
- Job applications with questions about conviction or arrest records, unless the employer has already screened the applicant for minimum qualifications
- Job denial (or other adverse employment actions) based solely on an arrest record

Some exceptions apply, including jobs with unsupervised access to children under 16, people with developmental disabilities, or vulnerable adults

Employers are required to:

Delay criminal background checks until after screening applicants for minimum qualifications

Follow procedures before taking an adverse action based solely on a criminal background check:

- » Provide an opportunity to explain or correct criminal background check information
- » Hold the position open for at least two business days
- » Have a legitimate business reason that employing the person will harm the business or impact the employee's ability to perform the job

SMC 14.16

Paid Sick & Safe Time

REQUIRES PAID LEAVE FOR MEDICAL OR SAFETY ISSUES

Employers must provide employees with paid leave to care for themselves or a family member.

(Child, Parent, Spouse, Registered Domestic Partner, Grandparent, Grandchild, Sibling)

Sick Time: A physical or mental health condition, including a medical appointment

Safe Time: Reasons related to domestic violence, sexual assault, stalking or public health issues*

Paid Sick & Safe Time (PSST) Rates

	TIER 1	TIER 2	TIER 3
Employer Size FULL-TIME EQUIVALENT EMPLOYEES (FTEs) WORLDWIDE	Up to 49 FTEs	50 – 249 FTEs	250+ FTEs
Accrual of PSST PER HOURS WORKED	1 hour PER 40 HOURS	1 hour PER 40 HOURS	1 hour PER 30 HOURS
Carry over of unused PSST PER YEAR	40 hours	56 hours	72 hours**

* SAFE TIME CAN ALSO BE USED TO CARE FOR A HOUSEHOLD MEMBER

**108 HOURS FOR TIER 3 EMPLOYERS WITH A PAID TIME OFF (PTO) POLICY

Employers

Private and free services.
Compliance assistance and training.

Employees

Private and free services.
Training, intake, and investigations
-or- file a lawsuit in court

206-256-5297

www.seattle.gov/laborstandards

EMPLOYEES CAN CHECK THE LANGUAGE BELOW TO INFORM THEIR EMPLOYER OF THE POSTER NEEDED IN THE WORKPLACE

✓ CHECK HERE FOR YOUR LANGUAGE ○ Amharic/ አማርኛ ○ Arabic/ عربي ○ Chinese/ 中文 ○ Khmer/ ភាសាខ្មែរ ○ Korean/ 한국어 ○ Oromo/ Oromiffa ○ Somali/ af Soomaali ○ Spanish/ Español ○ Tagalog ○ Thai/ ไทย ○ Tigrinya/ ትግርኛ ○ Vietnamese/ Tiếng Việt and more.

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