

CITY OF TACOMA PAID LEAVE ORDINANCE

ELIGIBILITY: Employees who **work for 80 hours or more within the City of Tacoma** in a calendar year (January 1 to December 31) (considered the benefit year) are eligible to accrue paid leave. Employees are provided one hour of paid leave for every 40 hours worked within the City of Tacoma.

Employees shall be entitled to earn up to 40 hours of accrued paid leave in any calendar year.

Employees shall be entitled to use accrued paid leave beginning on the 90th calendar day after their start date of their employment.

Note: Employers who already provide paid sick leave 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 Tacoma ordinance.



Effective 2/1/2016

Amended 1/1/2018

Paid leave shall only be required for hours that an employee is scheduled to have worked.

Paid Sick and Safe Leave Uses

An employee is entitled to paid leave for an absence resulting from:

- **The Employee's Own Illness or Medical Care.** An employee's mental or physical illness, injury, or health condition; to accommodate medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventive medical care.
- **Family Care.** To allow the employee to care for a family member with a mental or physical illness, injury, or health condition; care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
- **Business Closure.** When the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material.
- **School Closure.** To allow the employee to care for a child whose school or place of care has been closed by order of a public official. There is no specific exclusion for weather-related closures.

Paid sick/safe time can be used in one-hour increments unless to use more time due to a reasonable business need. If works is tracked in smaller increments, than paid sick leave can be used in smaller increments.

Family member includes the following:

- Child – means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:
 - Under 18 years of age; or
 - Eighteen years of age or older and incapable of self-care due to a mental or physical disability
- Grandparent
- Parent – a biological or adoptive parent of an employee, or an individual who stood in loco parentis to an employee when the employee was a child
- Spouse – husband, wife, or domestic partner
- Household member

Paid Sick and Safe Leave Uses (Cont.)

- **Domestic Violence, Sexual Assault, or Stalking Issues.** To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s family members, including, but not limited to, preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking. To enable the employee to obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking.
- **Bereavement.** To enable the employee to take leave for bereavement for the death of a family member.

Rate of Pay (Hourly Rate that the Employee Would have Earned for the time During which the Employee Used Paid Sick Leave)

An employee shall be compensated by the employer at the same hourly rate or the effective minimum wage, whichever is greater, and with the same benefits, including health care benefits, as the employee would have earned during the time the Paid Sick Leave is used.

Commissions	Dividing the total earnings by the total hours worked in the full pay periods in the prior ninety (90) days of employment.
Piece Rate	Dividing the total earnings by the total hours worked in the most recent workweek in which the employee performed identical or substantially similar work to the work they would have performed had they not used paid sick leave.
Non-exempt Salaried Employees	Dividing the annual salary by fifty-two (52) to determine the weekly salary and then dividing the weekly salary by the employee’s normal scheduled hours of work
Exempt Salaried Employees	Dividing the weekly salary by forty (40) hours, or, if they typically work less than forty (40) hours per week, the number of hours of the employee’s normal work week.
Fluctuating Rate of Pay	<ul style="list-style-type: none"> i. Where the employer can identify the hourly rates of pay for which the employee was scheduled to work, a calculation equal to the scheduled hourly rates of pay the employee would have earned during the period in which paid sick leave must be used: ii. Where the employer cannot identify the hourly rates of pay for which the employee would have earned if the employee worked, a calculation based on the employee’s average hourly rate of pay in the current or preceding thirty (30) days, whichever yields the higher hourly rate.

Employee Notice Requirements

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

For an absence of more than three consecutive work days for sick time, an employer may require reasonable documentation that the use of sick time was authorized. Documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.

The employer's requirements for 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. If employee asserts that the verification requirements would result in an unreasonable burden or expense, the employer must make a reasonable effort to identify and provide alternatives for the employee to meet the employer's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee.

Documentation (if required) will need to be returned within 15 calendar days.

The ordinance's protections for exercise of rights and prohibition against retaliation do not prevent an Employer from taking reasonable action (e.g., discipline) when an employee's use of Paid Sick Leave is not in good faith, such as a clear instance of abuse.

Paid Sick and Safe Time Accrual Guidelines

- Current employees will begin to accrue paid sick/safe leave on February 1, 2016, 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 February 1, 2016 will begin to accrue paid sick/safe leave from the start date of employment.

No Pay Out Upon Termination/Rehire Guidelines

- There will be no pay out of accrued but unused sick/safe leave upon termination.
- **Rehires:** If an employee is rehired within 12 months in the same calendar year, the employer must reinstate any accrued and unused paid sick/safe leave to the employee.

Upon rehire, the employee shall be entitled to use any reinstated accrued unused paid leave and newly accrued paid leave immediately upon the recommencement of employment, provided that the employee had previously been eligible to use paid leave.

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

98401	98417	98464
98402	98418	98465
98403	98419	98466
98404	98421	98471
98405	98422	98481
98406	98424	98490
98407	98431	98493
98408	98433	
98409	98443	
98411	98444	
98412	98445	
98413	98446	
98415	98447	
98416	98448	



NOTICE TO EMPLOYEES

Effective February 2016: The City of Tacoma Paid Sick Leave Ordinance (TMC 18.10) ensures that all eligible persons working in the City earn Paid Sick Leave to use when they or a family member are sick, injured, need preventative care or need to seek help for domestic violence, sexual assault, stalking or other safety related issues. The Ordinance is intended to allow employees to care for themselves and family members, making Tacoma a healthier, more secure, and more productive community. Employers may, at their option, have a Paid Sick Leave policy that exceeds the minimum requirements set by the Ordinance. The Ordinance was updated effective January 2018 to align with State law.

WHO QUALIFIES?

EMPLOYEES RECEIVING PAID SICK LEAVE

The Paid Sick Leave Ordinance applies to all Employees who work within the geographical boundaries of the City of Tacoma (the "City" or "Tacoma") for 80 hours or more in a benefit year, regardless of whether their Employer is physically located in the City or not.

HOW MUCH?

ACCRUAL OF PAID SICK LEAVE

Employers shall provide Employees with a minimum of one (1) hour of Paid Sick Leave for every forty (40) hours worked within the City. Employees shall be eligible to use accrued Paid Sick Leave beginning on the 90th calendar day after start of their employment.

CARRYOVER

CARRYOVER OF UNUSED PAID SICK LEAVE

The Ordinance requires Employers to carry over up to 40 hours of accrued but unused Paid Sick Leave into the following benefit year for each Employee. An Employee can then use carried over time in addition to accrued time, for absences related to health, safety, and some kinds of family care as outlined below.

USE

USES OF PAID SICK LEAVE

Employees may use Paid Sick Leave time for any of the following reasons:

- Mental or physical illness, injury or preventative health care (for either the Employee or for specified family members);
- When an Employee's place of employment has been closed by order of a public official for any health-related reason or to care for a child whose school has been closed by order of a public official;
- To seek law enforcement or legal help for domestic violence or sexual assault (either for the Employee or for specified family members);
- To seek safety from domestic violence, sexual assault, or stalking, (either for the Employee or for specified family members); and
- For bereavement of specified family members.

OPTIONS

SHIFT SWAP & DONATIONS OF PAID SICK LEAVE

Employers and Employees may mutually agree to allow an Employee to work additional hours or shifts in lieu of using Paid Sick Leave. Employers may establish policies allowing Employees to exchange or trade shifts. Employers may establish a policy allowing Employees to donate Paid Sick Leave time to another Employee.

PTO

USE OF UNIVERSAL PAID TIME OFF (PTO) TO COMPLY WITH THE ORDINANCE

Employers may use a combined or universal paid time off program (PTO) to comply with the Ordinance. An Employer using PTO to comply with the Ordinance must have a written policy readily available for employees.

DOCUMENTATION

DOCUMENTATION REQUIREMENTS

For absences exceeding three days, an Employer may take reasonable measures to verify or document that an Employee's use of Paid Sick Leave is lawful. Employer-required verification may not result in an unreasonable burden or expense to the Employee. If the Employer chooses to require written documentation or other verification that creates an unreasonable cost or burden, the Employee may notify the Employer as outlined in State law (RCW 296-128-660). The Employer must have a written policy regarding the requirement of written documentation or other verification and said policy must be readily available to all Employees.

ENFORCEMENT

FILING A COMPLAINT

If an Employee believes that he/she has been subject to a violation of the Paid Sick Leave Ordinance, they may file a complaint in writing with the City of Tacoma. Employers are prohibited from taking adverse action against Employees who exercise any right under this Ordinance. An employee filing a complaint may request confidentiality and no information about an employee's immigration status will be required for an investigation.