

## TAKING LEAVE: PAID SICK AND SAFE LEAVE THROUGHOUT WASHINGTON STATE

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### INITIATIVE 1433

- Increases the minimum wage over the next several years
- Ensures tips are given to the appropriate staff
- Protects employees from retaliation
- Requires employers to provide paid sick/safe leave to employees

## ACCRUAL

- One hour of paid leave for every 40 hours worked
- No limit

## USAGE

- Paid to employees at their normal hourly compensation
- Employees may use leave on the 90th calendar day after the start of their employment
- Unused paid leave of 40 hours or less must be carried over to the following year

## ELIGIBILITY

- All employees are eligible for the new benefit
- Includes full time, part-time and temporary workers

## SICK LEAVE

- Illness, injury or health condition
- Medical diagnosis, care or treatment
- Preventative care
- When their place of business has been closed by order of a public official for health reasons

## SAFE LEAVE QUALIFYING PURPOSES

For absences that qualify for leave under the state's Domestic Violence Leave Act

## HOW SAFE LEAVE MAY BE USED

For reasons relating to domestic violence, sexual assault or stalking:

- To seek legal or law enforcement assistance or remedies
- To seek treatment by a healthcare provider
- For other healthcare services
- For mental health counseling
- For safety planning, relocation, or other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking

## NOTICE, CONFIDENTIALITY AND VERIFICATION

- Employer may require employee to give reasonable notice of absence, so long as it does not interfere with lawful use of leave
- Employer may require medical verification, within a reasonable time period, for absences exceeding three days
- Employers and their representatives must keep all information concerning the leave confidential

## EMPLOYERS' DUTIES

- Must maintain health insurance coverage
- May not require employees using paid sick leave to find a replacement worker
- Employer must provide regular notice of employee's accrued leave
- Employee rehired within 12 months entitled to reinstatement of accrued leave

## DISCRIMINATION AND RETALIATION

- Employer may not discharge, demote, discipline, harass employees who request or take leave
- Employer may not discriminate or retaliate against employee for requests for or use of leave
- Employer may not adopt policies that count covered absences for disciplinary purposes

## MISCELLANEOUS PROVISIONS

- Accrued leave need not be paid out upon termination
- Employer can front-load leave

## EMPLOYERS CAN BE MORE GENEROUS

For example, an employer may allow...

- Use for additional reasons
- More generous carryover
- Greater rate of accrual
- Payout upon termination

## PTO

Employers may adopt a PTO (paid time off) policy that combines vacation and paid sick/safe leave and complies with this law.

## COMPARISON OF WASHINGTON AND SEATTLE SICK AND SAFE TIME LAWS

	Washington	Seattle
<b>Accrual</b>	1 hr/40 worked	1 hr/40 worked for employers with under 250 FTEs 1 hr/30 worked for employers with 250 or more FTEs
<b>Reinstatement of PSST leave if employee is rehired</b>	Within 12 months	Within 7 months
<b>Use</b>	After 90 days	After 180 days
<b>Applies to</b>	All employers	Private employers with more than 4 FTEs and City of Seattle
<b>Eligibility</b>	All employees (Full, part time, seasonal)	All employees (Full, part time, temporary; occasional employees; after 240 hours)
<b>Effective Date</b>	September 1, 2012	January 1, 2018
<b>Carryover</b>	40 hours/calendar year	40 hours/year for employers with under 50 FTEs 56 hours/year for employers with 50-249 FTEs 72 hours/year employers with 250 or more FTEs
<b>Frontloading permitted?</b>	Yes	Yes
<b>Compliance by a PTO policy permitted?</b>	Yes	Yes

## PENDING L&I RULEMAKING

- Notification procedures
- Recordkeeping and reporting requirements
- Processes to protect employees from retaliation
- Enforcement
- <https://lni.us.engagementhq.com/>



Thank You!

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