

## Seattle Paid Sick Days Ordinance Provisions

### Accrual of paid sick time:

- **Small businesses** – Employees in companies with fewer than 10 employees are entitled to accrue 1 hour of paid sick time for every 30 hours worked, but may use no more than 40 hours in a calendar year unless the employer selects a higher limit.
- Employees in companies with 10 or more employees are entitled to accrue 1 hour of paid sick time for every 30 hours worked, but may use no more than 72 hours in a calendar year (9 days) unless the employer selects a higher limit.
- **Major employers** – Employers with over 1,000 employees that have “paid time off” policies (for example that pool vacation and sick leave) must provide leave equivalent to at least 1 hour for every 15 hours worked, and at least half the time must be available for paid sick time up to 72 hours per year.

### Uses of paid sick time:

- **The employee’s illness or injury, diagnosis, treatment, and preventative care.**
- **Care of a family member** with an illness or injury, or for diagnoses and preventative care. (State law requires paid time off be available to care for: child under 18, adult child with a disabling condition, spouse, domestic partner, parent, parent-in-law, or grandparent.)
- **Domestic abuse, sexual assault, or stalking** – to seek medical attention, counseling or other services; relocate; or take legal action. (State law requires employers to provide unpaid time off for these purposes.)
- **Public health emergency** - Closure by order of a public official due to a public health emergency of the employee’s place of business, or a child’s school or place of care.

### Employer protections:

- Employers with **existing paid leave policies**, such as PTO, who provide an equivalent amount of leave available for the same purposes do not have to provide additional leave (except for major employers as described above).
- Employers may require a **waiting period** of up to 90 days before new employees are entitled to use paid sick time.
- Employers are not required to **“cash out”** unused sick leave.
- Employees must include the **expected duration** of their absence if possible when requesting paid sick time.
- When the need for leave is **foreseeable**, employees must make good faith efforts to provide notice and schedule the use of sick time to not unduly disrupt the operations of the employer.
- For sick time of more than 3 consecutive days, an employer may require **documentation**, but if the employee does not have health insurance, the employer is responsible for **out of pocket expenses** the employee incurs to obtain required documentation from a health care provider.
- Employers do not need to modify their **recordkeeping**, so long as it reasonably indicates employee hours worked, and the amount of sick leave accrued and taken by each employee.

**Employee protections:**

- Employers may not count sick time used for the above purposes as an **absence leading to discipline**, discharge, demotion, or other adverse action.
- If an employer requires documentation from a health care provider and the employee does not have health insurance, the employer is responsible for **out of pocket expenses** the employee incurs to obtain documentation.
- Employees may voluntarily **"shift swap"** rather than use paid sick time.
- Unused sick time carries over into the next calendar year; however, employers are not required to provide more than 72 hours leave (or 40 hours for small businesses) in one calendar year.
- The Act does not discourage or prohibit employers from providing **more generous paid leave** policies.
- **Collective bargaining agreements** - Does not apply to employees covered by a bona fide collective bargaining agreement only if such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

**Enforcement:**

- **Seattle Office of Civil Rights (SOCR)** is authorized to investigate and in cases of violation may order back pay, reinstatement, and penalties up to the greater of \$250 or 3 times the amount withheld from employees, plus \$50 per day to each employee whose rights were violated.
- Where prompt compliance is not forthcoming, the City may order a violator to pay the City not more than \$50 for each day and employee included in the violation, and request suspension of certificates, permits or licenses until the violation is remedied.
- An employee or other person may **confidentially report** suspected violations to SOCR.
- Employers shall permit **reasonable access** to authorized City representatives and other organizations whose mission is to assist employees in the exercise of their rights, solely for the purpose of monitoring compliance and investigating complaints.
- **A civil action** may be brought by SOCR, the City Attorney, a person aggrieved by a violation, and organizations with an aggrieved member or acting in the interests of public health.
- The City must make required **posters** available to employers.

**Definitions:**

- **Paid sick time** means time compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns
- **Small business:** employs fewer than 10 persons (including full-time, part-time, and temporary) during 20 or more weeks per year.
- **Major business:** employs more than 1,000 persons during 20 or more weeks per year (in any location).
- **Employees:** Applies to employees who work 80 or more hours within the **geographic boundaries of the City** during a 12 month period.