

# SEATTLE PAID SICK & SAFE TIME

SMC 14.16 • Is Your Business Getting It Right?



# Seattle Works Well

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## ❑ Paid Sick and Safe Time

- ❑ Promotes equity through equal access to paid leave for illness and personal safety reasons
- ❑ Builds economic security for employees and their families
- ❑ Protects public health by limiting spread of illnesses



# UW Audit - EMPLOYERS

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- **Costs & impact = modest and smaller than anticipated**
  - Initial fears were reduced with implementation
- **Most Employers Know about PSST (83%)**
- **Most Employers Support the Ordinance (70%)**
- **Majority of Employers offer PSST but Gaps Remain**

# UW Audit - Employers

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- **Majority of Employers offer PSST but Gaps Remain**
  - Coverage
    - Most employers cover full-time (96%)
    - Slim majority of employers cover full-time & part-time (62%)
    - Few employers cover temps, seasonal & occasional basis employees (26%)
  - Adequacy
    - Few large employers offer enough hours to full-time (45%)
    - Few large employers cover FT & PT and offer enough hours (30%)
    - Most erroneously believe they are in compliance

# Call SOCR with your Questions

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**206-684-4500**

**Employees & Employers**

# PSST COVERAGE



# PSST Coverage - Employers

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## Employers with employees in Seattle

- **Includes**
  - ▣ Private-sector employers regardless of location
  - ▣ City of Seattle
  
- **Excludes**
  - ▣ Federal, state or county government employers
  - ▣ New Tier 1 and Tier 2 employers (two-year exemption)

# PSST Coverage - Employees

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## Employees who work in Seattle

### □ Includes

- Full-time
- Part-time
- Temporary
- Occasional basis employees  
(240+ Seattle hours in a calendar year)

### □ Excludes

- Employees who travel through Seattle
- Students enrolled in a work study program



# PSST Coverage - Occasional Basis Employees

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## Occasional basis employees

- ❑ Employees are based outside Seattle and work in the City on an ad-hoc, irregular basis.
- ❑ Coverage begins after working in Seattle for more than 240 hours in a calendar year.
- ❑ e.g. Deliveries & short-term assignments

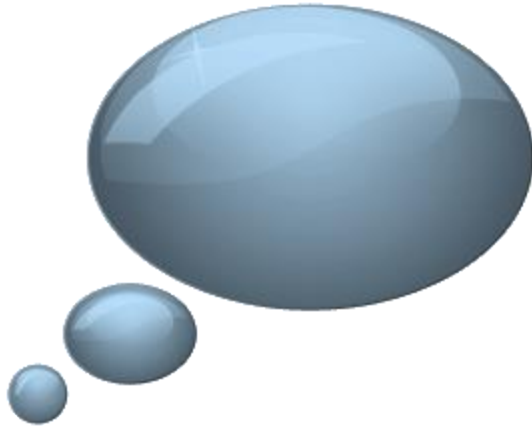


## Regular basis employees

- ❑ Employees are expected to work in Seattle for more than 240 hours in a calendar year
- ❑ Coverage begins immediately
- ❑ e.g. Regular shifts and long-term assignments in Seattle

# PSST Requirements – Tier Size

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**PSST requirements are based on Tier size 1 – 2 – 3**

- **Tiers = # of full time equivalent (FTE) employees**
  - All employees regardless of work location
  - Temporary workers (hired directly or by a staffing agency)
  - Average number FTEs paid per calendar week
  - Prior calendar year

# PSST BASICS



# PSST Basics

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- **Notice of PSST Rights**
- **Accrual**
- **Use**
- **Carry over**
- **Notification of available hours**
- **Record Keeping**
- **No Retaliation**

# Notice of PSST Rights

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## □ Notice

- Required for all employees who work in Seattle, regardless of employer tier size or location
- SOCR Poster, Employee Manual, Letter, etc.
- Conspicuous and accessible to employees

## □ Penalties

- \$125 for first violation
- \$250 for subsequent violations

# PSST Accrual, Use & Carry over

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- **Calendar Year**
  
- **Excludes**
  - ▣ Rolling 12 months
  - ▣ Anniversary date
  - ▣ Fiscal year

# PSST Accrual

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- **Start date** – September 1, 2012 or hire date
- **Tier 1 & 2** – 1 hour per 40 hours worked (.025)
- **Tier 3** – 1 hour per 30 hours worked (.033333)
- **Hours worked** – Seattle hours including overtime, but not paid leave (e.g. vacation, PSST)
- **No cap on accrual**
- **Frontloading** – Employer may provide all PSST hours at beginning of calendar year
- **Other paid leave** – Employer may permit use of other paid leave (e.g. vacation, PTO ) to meet PSST requirements

# PSST Use

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- ❑ **Waiting period** – 180 calendar days from beginning of employment
- ❑ **Hour-long increments**
- ❑ **Employee does not have to find replacement worker**
- ❑ **Cash out is allowed (if mutually agreed upon)**
- ❑ **Tier size**
  - ❑ **Tier 1:** Employees can use 40 hours or less per calendar year
  - ❑ **Tier 2:** Employees can use 56 hours or less per calendar year
  - ❑ **Tier 3:** Employees can use 72 hours or less per calendar year (108 hours for employers with PTO)



# PSST Use – Reasons for Absence

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## □ SICK TIME

- Employee or family member
  - Child, grandparent, parent, parent-in-law
  - Spouse or domestic partner
- Personal illness or preventative care
- **Pregnancy and Post-Partum illness but not child bonding**

## □ SAFE TIME

- Employee or family member
- Reasons related to domestic violence, sexual assault, or stalking
- Employee's workplace or child's school/place of care closed by public official to limit exposure to infectious agent, biological toxin or hazardous materials

# PSST Carry over

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- **Unused hours:** Employees carry over unused hours of PSST to the next calendar year
  
- **Continued Accrual:** Employees continue to accrue PSST even if they carried over unused hours
  
- **Tier size:**
  - ▣ **Tier 1:** Employees can carry over 40 hours or less.
  - ▣ **Tier 2:** Employees can carry over 56 hours or less.
  - ▣ **Tier 3:** Employees can carry over 72 hours or less (108 hours for employers with PTO)

# Seattle PSST Chart



TIER	EMPLOYER SIZE	ACCRUAL	USE	CARRY OVER
Not Covered	4 or <small>fewer</small> FTEs	No accrual, use or carry over requirement. Notice and anti-retaliation provisions apply		
1	More than 4 to 49 FTEs	1 hour/40 hours worked	40 hours	40 hours
2	More than 49 to 249 FTEs	1 hour/40 hours worked	56 hours	56 hours
3	250+ FTEs	1 hour/30 hours worked	72 hours	72 hours
	250+ FTEs (PTO benefit systems)	1 hour/30 hours worked	108 hours	108 hours

# PSST Notification

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- Employer must provide written notification of available PSST hours each time that wages are paid
  - Pay stub
  - Memo
  - Excel Spreadsheet
  - Anonymous bulletin board
  - “Notification upon request” only as supplemental notification

**Best  
Practice**

*Include YTD hours & note regarding # of protected hours*

# PSST Record Keeping

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- **Recordkeeping**
  - Employers must retain PSST records for two years
  - Hours worked in Seattle
  - Accrued PSST
  - Use of PSST

# No Retaliation

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- **Good faith use of PSST cannot result in adverse employment action**
  
- **Absence Control Policies are not allowed for absences covered by PSST**
  
- **Exception –clear instance or pattern of abuse:**
  - Repeated absences
  - Absences precede or follow regular days off or follow some other pattern without legitimate reason
  - Obtaining or using paid sick time improperly

# PSST DETAILS



# PSST Details

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- **Requesting PSST**
- **Rate of Pay**
- **Documentation for PSST**
- **Suspicious of PSST abuse**
- **Rate of Pay**
- **Seasonal employees**
- **Waiver**



# PSST Requests

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- **Employee requests absence for reason covered by ordinance**
- **Foreseeable leave**
  - ▣ Written request at least 10 days in advance of leave
- **Unforeseeable leave**
  - ▣ **Call-in procedures** - Employees must follow call-in procedures unless there are mitigating circumstances (and then employee must provide notice “as soon as practicable”)
  - ▣ **Safe time** - Employee may provide notice by the end of the first day for domestic violence, assault stalking

# PSST Rate of Pay

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- **Same hourly wage that employee would have earned during the time that PSST was taken**
- **At least minimum wage**
- **Excludes lost tips and commissions**

# PSST Documentation for Absences

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- **Employer may request documentation after employee uses PSST for more than 3 consecutive work days or shifts**

*\* Exception for clear instance or pattern of abuse*

# Documentation for SICK time

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## □ Documentation

- Statement from health care professional
- No info regarding nature of the illness  
(unless required by other law, e.g. FMLA, ADA)

## □ Payment for documentation

- If employee not offered health insurance, employer and employee each pay 50% of cost

# Documentation for SAFE time

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- **Business or School Closure**
  - Verification of a closure order by public official
- **Domestic violence, sexual assault or stalking**
  - Police report or court order
  - Statement from family member, clergy member, medical or other professional that employee or employee's family member is experiencing domestic violence, sexual assault, or stalking
- **or**
- **Employee's written statement**
  - No affidavit format or notarization needed
- **Confidential:** no explanation of nature of reason

# PSST Seasonal Employees

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## □ Seasonal Employees

- Employee has a “break in service” and is rehired within 7 months by same employer
- PSST is reinstated upon re-employment, regardless of whether employee has met 180 day eligibility requirement
- If employee previously cashed-out unused hours, PSST is not reinstated upon re-employment

# PSST Waiver

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- **Individual waivers are not permitted**
  - ▣ Individual employees may not accept premium pay in lieu of PSST or otherwise waive their rights to PSST
  
- **Collective bargaining agreement waivers are permitted**
  - ▣ Waivers in CBAs must be clear and unambiguous with specific reference to the Ordinance. Waivers can be in the CBA or in an addendum (MOA or MOU)

# PSST OUTREACH & ENFORCEMENT





# Office of Labor Standards

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## ❑ Office of Labor Standards

- ❑ Paid Sick and Safe Time
- ❑ Job Assistance Ordinance
- ❑ Minimum Wage
- ❑ Administrative Wage Theft

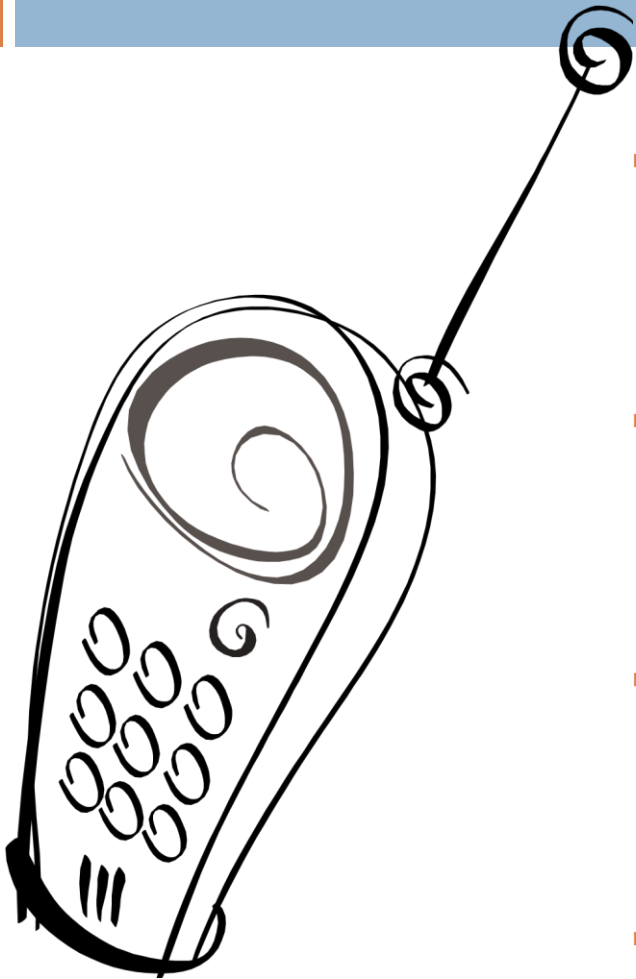
## ❑ Seattle Office for Civil Rights

- ❑ Advancing Civil Rights & Removing Barriers to Equity
- ❑ Race & Social Justice Initiative
- ❑ Civil Rights Enforcement
- ❑ Gender Justice



# Outreach & Support for Employers

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- **SOCR Front Desk**  
206-684-4500
- **Business Liaison**  
206-684-4500
- **Email**  
[ocr\\_psstquestions@seattle.gov](mailto:ocr_psstquestions@seattle.gov)
- **Web site**  
[www.seattle.gov/civilrights/](http://www.seattle.gov/civilrights/)

**QUESTIONS?**



# Stay in touch

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- ❑ **SOCR Technical Assistance**
  - ❑ Business Liaison @ 206-684-4500
- ❑ **Email**
  - ❑ [ocr\\_psstquestions@seattle.gov](mailto:ocr_psstquestions@seattle.gov)
- ❑ **Web site**
  - ❑ [www.seattle.gov/civilrights/SickLeave.htm](http://www.seattle.gov/civilrights/SickLeave.htm)