

# Seattle Paid Sick and Safe Time Ordinance

## Overview

- Begins on September 1, 2012.
- Provides paid sick and safe time (PSST) for employees working within Seattle City limits.
- Sets minimum requirements for accrual, use, and carryover of PSST.
- Requires employer notification and tracking of PSST.
- Offers basic job protections for employees who use PSST.
- New law is enforced by Seattle Office for Civil Rights.

## What is PSST?

**SICK TIME** can be used for:

- Personal illness or preventative care.
- Care for a family member’s illness or preventative care (child, grandparent, parent, parent-in-law, spouse and registered domestic partner).

**SAFE TIME** can be used for:

- Survivors of domestic violence, sexual assault or stalking.
- Closure of workplace or child’s school or place of care by public official to limit exposure to infectious agent, biological toxin or hazardous material.

## Who is covered?

- Employees who perform work in Seattle:
  - Full-time, part-time, temporary, and occasional-basis employees.
  - Employees who telecommute in Seattle.
  - Employees who stop in Seattle as a purpose of their work.
- Excludes:
  - Federal, state, or county government employers
  - Employees who work or telecommute outside of Seattle.
  - Employees who travel through Seattle.
  - Students enrolled in a work study program.
  - Two year exemption for new small and medium-sized employers (Tier 1 and Tier 2)

General Information	Small (Tier 1) Employer	Medium (Tier 2) Employer	Large (Tier 3) Employer
Full Time Equivalent (FTEs)	More than 4-49 employees	More than 49 to 249 employees	250 or more employees
Accrual of paid sick/safe time	1 hour / 40 hours worked	1 hour / 40 hours worked	1 hour / 30 hours worked
Use of paid sick/safe time	40 hours / calendar year	56 hours / calendar year	72 hours / calendar year
Carryover of unused paid sick/safe time	40 hours / calendar year	56 hours / calendar year	72 hours / calendar year

## Other facts:

- **Accrual begins** on September 1, 2012 or when the employee is hired after this date.
- **Accrual based on hours worked in Seattle** including overtime for non-exempt employees.
- **Accrual for occasional employees begins** after they have worked 240 hours in a calendar year. Accrual begins on the 241<sup>st</sup> hour; employees are covered for current and following calendar year.
- **Use begins** after 180<sup>th</sup> calendar day from the beginning of employment.
- **Hour-long increments:** PSST can be used in hour-long increments.
- **Carry-over:** Employees permitted to carry over unused hours to the next calendar year.
- **Frontloading permitted** for accrual, use and carry over.
- **Combined or universal leave** (aka Personal Time Off / PTO) policies are permitted, provided they comply with the PSST Ordinance.
- **Cash out option:** If employer allows, employees have the voluntary option to cash out unused PSST.
- **Rate of pay:** Same hourly wage that employee would have earned during time PSST was taken.
- **Excludes lost tips and commissions** that employee might have received when PSST was taken.
- **No waivers:** Employees cannot waive their right to PSST (except collective bargaining agreements).
- **Separation from employment:** PSST reinstated if an employee is rehired within 7 months by the same employer.
- **Other laws:** Ordinance does not preempt or limit application of federal, state or other local laws.
- **Other laws:** PSST can be coordinated with other leave laws such as FMLA, Domestic Violence Leave, Workers Compensation etc.

## How does an employee request use of PSST?

- **Foreseeable leave:** A written request at least 10 days in advance of leave (unless employer's policy requires less notice.)
- **Unforeseeable leave:** Give notice "as soon as practicable" (in compliance with the employer's policy for unforeseeable leave).
- **Paid safe time:** end of first day of for domestic violence, sexual assault or stalking.
- **Employer policies:** Employer can require employees to follow their rules about giving notice.

## Employee documentation for use of PSST:

- 1-3 consecutive days: Employee **not** required to provide documentation.
- More than 3 consecutive days: Employer may require documentation (e.g. statement from healthcare professional that sick time was necessary).
- **Clear instance or pattern of abuse:** Employer may ask for documentation for absences that are shorter than 3 days.
- **Privacy:** Employer cannot require statement regarding the nature of the illness or other private medical information (but FMLA and ADA may apply and permit such inquiries).
- **Payment for documentation:**
  - **If employer does not offer health insurance:** Employer and employee each pay 50% of the cost to obtain documentation (services by health care professionals and facilities, prescribed testing and transportation service providers).
  - **If employee declined health insurance:** Employee is not entitled to reimbursement.
- **Paid SAFE time for domestic violence, sexual assault or stalking:**
  - Police report.

- Court order.
- Documentation that the employee or employee's family member is experiencing domestic violence, sexual assault, or stalking.
- Employee's written statement is acceptable documentation by itself.
- Confidential – no explanation required of the nature of the situation or reason for taking leave.

#### **PSST and employer attendance policies:**

- **Absence control policies:** PSST cannot be counted as an absence that may result in discipline.
- **Clear instance or pattern of abuse:** Employer can take reasonable action (e.g. discipline) for:
  - Repeated absences.
  - Absences that precede or follow regular days off, or some other pattern without valid reason.
  - Obtaining or using paid sick time improperly.

#### **PSST notice and record-keeping requirements:**

- **Notice:** employers are required to provide notice to all employees who work in Seattle, regardless of employer tier size or location. Notice must be:
  - Conspicuous and accessible.
  - Physical and/or electronic.
- **Notification:** Employers must provide notification of available PSST each time wages are paid:
  - By paystub and/or online.
- **Record keeping:** Employers must retain PSST records for two years that indicate:
  - Employee hours worked in Seattle.
  - Accrued PSST by employee.
  - Use of PSST by employee.

#### **Retaliation protection**

- **Retaliation is illegal.** Employers are prohibited from disciplining or discriminating against employees who have exercised their rights under the Ordinance.
- **Employee and third-party complaints are permitted.**
- **Broad protection against retaliation:** Anti-retaliation provision applies to **ALL** employers with one or more employees.

#### **Collective Bargaining Agreements (CBA):**

- **Waiver of rights is permitted:**
- In CBA or MOA (Memorandum of Agreement).
- Must be in clear and unambiguous language.
- Must include a specific reference to the Ordinance.

#### **City of Seattle employees:**

- **PSST Ordinance applies to City of Seattle employees:**
  - Most City employees already receive PSST benefit.
  - City policies regarding temporary employees have been changed to comply with the Ordinance.