

Proposed Rules for Notice & Comment - Chapter 70

Seattle Office of Labor Standards
Seattle Human Rights Rules (SHRR)
Chapter 70

Practices for administering the Paid Sick and Safe Time Ordinance under SMC 14.16

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SHRR 70-010 GENERAL PROVISIONS

1. **Purpose.** These rules (Chapter 70) govern the practices of the Seattle Office of Labor Standards in administering the provisions of the Paid Sick and Safe Time Ordinance under Seattle Municipal Code (SMC) 14.16.
2. **Practice where rules do not govern.** If a matter arises in administering the Paid Sick and Safe Time Ordinance that is not specifically governed by these rules, the Director of the Seattle Office of Labor Standards shall, in the exercise of the Director's discretion, specify the practices to be followed.
3. **Construction of rules.** These rules shall be liberally construed to permit the Seattle Office of Labor Standards to accomplish its administrative duties in implementing the Paid Sick and Safe Time Ordinance, including providing technical assistance, determining if a violation has occurred, and proscribing penalties and remedies.
4. **Severability.** These rules are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of these rules or the application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of these rules, or the validity of the application of the rules to other persons or circumstances.

SHRR 70-020 DEFINITIONS

1. **"Commencement of employment"** means no later than the beginning of the first day on which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed workplace.
2. **"Differential rates"** mean a different rate paid for the same work performed under differing conditions (e.g., a night shift).
3. **"Health-related reason"** means a serious public health concern that could result in bodily injury or exposure to an infectious agent, biological toxin, or hazardous material. Health-related reason does not include closures for inclement weather.

4. "Hours worked" means all hours during which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed work place.

5. "Normal hourly compensation" means the hourly rate that an employee would have earned for the time during which the employee used paid sick and safe time.
 - a. Normal hourly compensation includes holiday pay and other premium rates, and differential rates.
 - b. Normal hourly compensation does not include tips, gratuities, and service charges, unless the employer or a collective bargaining agreement allow for such considerations.
 - c. For overtime eligible employees, normal hourly compensation does not include the requirement to compensate employees at the overtime rate of at least at one and one-half times the employee's regular rate of pay for hours worked in excess of a 40-hour work week.
 - d. For overtime exempt employees, normal hourly compensation does not include lost commissions.

6. "Separated from employment" means the end of the last day on which an employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed workplace.

7. "Scheduled to have worked" means hours an employee is required to work and includes but is not limited to regular hours; overtime hours (mandatory and voluntary); hours an on-call employee is required to work after being contacted by an employer; and employer-mandated training hours.

8. "Use of paid sick time or paid safe time of more than three consecutive days" means paid sick and safe time absences exceeding three consecutive days that an employee is required to work. For example, assume an employee is required to work on Mondays, Wednesdays, and Fridays, and the employee uses paid sick and safe time for any portion of those three work days in a row. If the employee uses paid sick and safe time again on the following Monday, the employee would have absences exceeding three days.

9. “Verification” means evidence that establishes or confirms that an employee's use of paid sick and safe time is for an authorized purpose under SMC 14.16.030(A)(1) or (2).
10. “Work week” for overtime eligible employees means a fixed and regularly recurring period of 168 hours, or seven consecutive 24-hour periods. It may begin on any day of the week and any hour of the day, and need not coincide with a calendar week.
11. “Work week” for overtime exempt employees means a normal work week based on an employee’s regular schedule of work hours (e.g. 40 hours at full-time).

SHRR 70-030 EMPLOYERS

1. **Joint employer.** More than one entity may be the “employer” if employment by one employer is not completely disassociated from employment by the other employer.
 - a. Separate entities may be treated as a joint employer under the Paid Sick and Safe Time Ordinance.
 - b. Joint employers may be separate and distinct entities with separate owners, managers, and facilities.
 - c. If the facts establish that the employee is jointly employed by two or more employers, all joint employers are responsible, both individually and jointly, for compliance with all of the applicable provisions of the Paid Sick and Safe Time ordinance with respect to the entire employment for the particular work week and pay period.
2. **Employer Tier Determination.** “Tier 1,” “Tier 2,” and “Tier 3” employer definitions are based on the number of full-time equivalent employees employed on average per calendar week.
 - a. **Overtime eligible employees.**
 - i. Employers shall count all hours worked for compensation by overtime eligible employees, including but not limited to overtime hours.
 - ii. Employers are not required to count an employee’s use of paid leave as hours worked for compensation.
 - iii. **Overtime exempt employees.** Employers shall count all hours worked for compensation by overtime exempt employees based on hours for a full-time or

part-time normal work week (up to 40 hours per week) rather than tracking actual hours worked. For example, if an exempt employee has a full-time normal work week of 40 hours per week, the employer counts “hours worked for compensation” based on 40 hours per week, regardless of whether the exempt employee worked more or fewer than 40 hours per week.

- b. Fractions of full-time equivalents.** Employers shall count fractions of full-time equivalents. For example, if an employer defines full-time as working 40 hours per week and has 60 employees who each work 30 hours per week, this employer has 45 full-time equivalents and is a Tier One employer.
- c. Employees who are jointly employed.** To determine employer tier size for purposes of SMC 14.16.010 and 14.16.020, employees who are jointly employed must be counted by all joint employers, regardless of whether the employee is maintained on one or both employers’ payrolls.

3. New Employers

- a. Limited exemption.** The provisions of the Paid Sick and Safe Time Ordinance that are more generous than those provisions requiring paid sick leave under chapter 49.46 RCW and chapter 296-128 WAC, shall not apply to Tier 1 and Tier 2 employers until 24 months after the hire date of their first employee.
- b. No exemption for successor.** The limited exemption from coverage for “new employers” shall not apply to a successor, as defined under SMC 14.16.010: any person to whom an employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer's business, a major part of the property, whether real or personal, tangible or intangible, of the employer's business. For purposes of this definition, “person” means an individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, corporation, business trust, partnership, limited liability partnership, company, joint stock company, limited liability company, association, joint venture, or any other legal or commercial entity.

SHRR 70-040 EMPLOYEES

- 1. Typically based outside of the City and performs work in the City on an occasional basis.** An employee who is “typically based outside of the City and performs work in the City on an

occasional basis” is covered by the Paid Sick and Safe Time Ordinance once the employee performs more than 240 hours of work in the City within a year. Coverage shall begin on such employee’s 241st hour of work in the City within a year and shall continue for the duration of employment with the employer, provided that separations in employment shall be governed by SMC 14.16.025(L).

- a. **Typically based outside of the City.** An employee is “typically based outside of the City” if the employee works outside the geographic boundaries of Seattle for more than 50% of work hours in a year; or over the course of the period of employment for employment that is less than a year.
 - i. To track an employee’s work over the course of a year, employers must apply any fixed, consecutive 12-month period, including January 1 through December 31; a tax year, fiscal year, or contract year; or the year running from an employee's one-year anniversary date of employment.
 - ii. If an employee has not worked for the employer for a year, the percentage of work outside of Seattle is based on the hours worked by the employee(s) who previously worked in the employee’s position over the course of the previous year or the previous period of employment for employment that is less than a year.
 - iii. If the employee’s position is partially or substantially new, the percentage of work outside of Seattle is based on the employer’s reasonable expectation of the location(s) for the hours worked by the employee over the course of a year; or over the course of the period of employment for employment that is less than a year.
- a. **Occasional basis.** An employee performs works in the City on an “occasional basis” if the employee does not have a regular schedule of hours within the geographic boundaries of Seattle. An employee who has a regular schedule of hours in Seattle (e.g. works every Monday in Seattle; works every day in Seattle on a three-month project), does not work in Seattle on an occasional basis and is covered by the Paid Sick and Safe Time Ordinance for every hour worked in Seattle.

1. **Accrual rates.** Employees accrue paid sick and safe time for all hours worked. An employee of a Tier 1 or Tier 2 employer shall accrue at least one hour of paid sick and safe time for every forty hours worked as an employee. An employee of a Tier 3 employer shall accrue at least one hour of paid sick and safe time for every 30 hours worked. Employers may provide employees with a more generous paid sick and safe time accrual rate.
 - a. **Overtime eligible employees.**
 - i. **Overtime hours.** Employers shall allow overtime eligible employees to accrue paid sick and safe time while working overtime hours.
 - ii. **Hours compensated when not working.** Employers are not required to allow overtime eligible employees to accrue paid sick and safe time for hours compensated when not working. For example, employers are not required to allow overtime eligible employees to accrue paid sick and safe time during vacation, paid time off, or while using paid sick and safe time.
 - b. **Overtime exempt employees.**
 - i. **Normal work week.** An employer shall not be required to credit paid sick and safe time for overtime exempt employees for hours worked beyond a 40-hour work week. If an overtime exempt employee's normal work in a work week is less than 40 hours, paid sick and safe time accrues based upon that particular employee's normal work week.
2. **Carry over.** Employers must allow employees to carry over accrued, unused paid sick and safe time to the following year in the amounts established by SMC 14.16.025(G), SMC 14.16.025(H)(3), and SMC 14.16.025(I)(3).
 - a. If an employee carries over unused paid sick and safe time to the following year, accrual of paid sick and safe time in the subsequent year shall be in addition to the hours accrued in the previous year and carried over.
 - b. Employers may allow for a more generous carry over of accrued, unused paid sick and safe time to the following year.

SHRR 70-060 USE

1. **Authorized purposes.** Employees are entitled to use paid sick and safe time for an absence from work for an authorized purpose established by SMC 14.16.030(A)(1) or (2).
2. **Waiting period.** Beginning on the 90th calendar day after the commencement of employment, employees are entitled to use accrued, unused paid sick and safe time. Employers may allow employees to use accrued, unused paid sick and safe time prior to the 90th calendar day after the commencement of employment.
3. **Increments of use.**
 - a. **Overtime eligible.** Employers must allow overtime eligible employees to use paid sick and safe time in increments consistent with the employer's payroll system and practices, not to exceed one hour. For example, if an employer's normal practice is to track hours worked in five-minute increments, then an employer must allow an employee to use paid sick and safe time in five-minute increments.
 - b. **Overtime exempt.** Employers must allow overtime exempt employees to use paid sick and safe time in increments consistent with state and federal laws.
 - c. **Overtime exempt public employees.** Employers must allow overtime exempt public employees to use paid sick and safe time in accordance with a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to the principles of public accountability.
 - d. **No variances from required increments of use.** The Seattle Office of Labor Standards shall not grant a variance from the increments required by SMC 14.16.030.C, and shall not recognize a variance issued by the Washington State Department of Labor and Industries under WAC 296-128-640 for work performed in Seattle.

SHRR 70-070 REASONABLE NOTICE

1. **Reasonable notice.** An employer may require employees to give reasonable notice of an absence from work for the use of paid sick and safe time for an authorized purpose under SMC 14.16.030(A)(1) or (2). Employers may require employees to comply with the employer's notification policies, as long as such policies do not interfere with an employee's lawful use of paid sick and safe time.
 - a. **Foreseeable.** If the need for paid sick and safe time is foreseeable, the employer may require advance notice from the employee. Unless the employer allows less advance

notice, the employee must provide notice at least ten days, or as early as practicable, in advance of the use of paid sick and safe time.

- b. Unforeseeable.** If the need for paid sick and safe time is unforeseeable, the employer may require notice from the employee. The employee must provide notice to the employer as soon as possible before the required start time of their shift. The employee must generally comply with an employer’s reasonable normal notification policies and/or call-in procedures, unless it is not practicable to do so. In the event it is impracticable for an employee to provide notice to their employer, a person on the employee's behalf may provide notice to the employer.
 - c. Domestic violence, sexual assault, or stalking.** If an employer requires employees to give reasonable notice of an absence from work for the use of paid sick and safe time for an authorized purpose under the Domestic Violence Leave Act, chapter 49.76 RCW, any such reasonable notice requirements must comply with the provisions outlined in WAC 296-135-060.
- 2. Written policy.** Employers must have a written policy outlining any requirements of an employee to give reasonable notice for the use of paid sick and safe time, and must notify employees of such policy or agreement, prior to requiring an employee to provide reasonable notice. An employer must make this information readily available to all employees. If an employer does not require an employee to give reasonable notice for the use of paid sick and safe time, a written policy is not required.

SHRR 70-080 VERIFICATION

- 1. Verification.** For use of paid sick and safe time of more than three consecutive days, employers may require verification that an employee’s use of paid sick and safe time is for an authorized purpose under SMC 14.16.030(A)(1) or (2).
- 2. Written policy.** If an employer requires verification for the use of paid sick and safe time under SMC 14.16.030(E), the employer must have a written policy outlining any such requirements. The employer must notify the employee of such policy or agreement, including the employee's right to assert that the verification requirement results in an unreasonable burden or expense on the employee, prior to requiring the employee to provide verification. An employer must make this information readily available to all employees.

3. **Privacy.** If an employer requires an employee to provide verification from a health care provider identifying the need for use of paid sick time for an authorized purpose under SMC 14.16.030(A)(1) or (2), the employer must not require that the information provided explain the nature of the condition. If the employer obtains any health information about an employee or an employee's family member, the employer must treat such information in a confidential manner consistent with applicable privacy laws.
4. **Unreasonable burden.** Employer-required verification for the use of paid sick and safe time may not result in an unreasonable burden or expense on the employee.
 - a. If an employer requires verification, and the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee must be allowed to provide an oral or written explanation to their employer which asserts:
 - i. That the employee's use of paid sick and safe time was for an authorized purpose under SMC 14.16.030(A)(1) or (2); and
 - ii. How the employer's verification requirement creates an unreasonable burden or expense on the employee.
 - b. The employer must consider the employee's explanation. Within ten calendar days of the employee providing an explanation to their employer about the existence of 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. A reasonable effort by the employer to identify and provide alternatives could include, but is not limited to:
 - i. Accepting the oral or written explanation provided by the employee, as outlined in (a)(i) and (ii) of this subsection, as a form of verification which meets the employer's verification requirement; or
 - ii. Mitigating the employee's out-of-pocket expenses associated with obtaining medical verification.
5. **Paying half the cost of out-of-pocket for verification of paid sick time.** For any employee who is not offered health insurance by the employer, the employer and the employee shall each pay half the cost of any out-of-pocket expense incurred by the employee in obtaining the employer-requested verification for use of paid sick time under SMC 14.16.030(A)(1), unless such cost results in an unreasonable burden or expense on the employee.

- a. An employee who is offered health insurance by the employer but does not meet eligibility requirements (e.g. waiting period, hours per week, etc.) shall be considered an employee who is not offered health insurance by the employer and shall be entitled to reimbursement for out-of-pocket expenses.
 - b. An employee who declined to participate in a health insurance program offered by the employer shall not be entitled to reimbursement for out-of-pocket expenses. However, the employer-required verification still may not result in an unreasonable burden or expense on the employee.
6. **Providing verification within a reasonable time period.**
- a. **Paid sick time.** If an employer requires verification that the use of paid sick and safe time is for an authorized purpose under SMC 14.16.030(A)(1), verification must be provided to the employer within a reasonable time period during or after the leave. For employee use of paid sick and safe time under RCW 49.46.210 (1)(b), "reasonable time period" is a period of time defined by a written policy, but may not be less than ten calendar days following the first day upon which the employee uses paid sick and safe time.
 - b. **Paid safe time.** If an employer requires verification that the use of paid sick and safe time is for an authorized purpose under the Domestic Violence Leave Act, chapter 49.76 RCW, any such verification requirements must comply with the provisions outlined in WAC 296-135-070.
7. **Relationship to other laws.** For use of paid sick and safe time for purposes authorized under federal, state, or other local laws that permit employers to make medical inquiries, an employer may require verification from an employee that complies with such certification requirements.

SHRR 70-090 RATE OF PAY FOR USE OF PAID SICK AND SAFE TIME

- 1. **Rate of pay.** An employee is entitled to paid sick and safe time for hours the employees is scheduled to have worked. For each hour of paid sick and safe time used, overtime eligible employees must be paid the greater of the applicable minimum hourly wage rate established by SMC 14.19 or the employee's normal hourly compensation; overtime exempt employees must be paid the employee's normal hourly compensation.
- 2. **Reasonable calculation of normal hourly compensation.** An employer must calculate an employee's normal hourly compensation using a reasonable calculation based on the hourly

rate that an employee would have earned for the time during which the employee used paid sick and safe time. Examples of reasonable calculations to determine normal hourly compensation include, but are not limited to:

- a. **Piece rate.** For an employee paid partially or wholly on a piece rate basis, dividing the total earnings by the total hours worked in the most recent work week in which the employee performed identical or substantially similar work to the work they would have performed had they not used paid sick and safe time;
 - b. **Overtime eligible salary.** For an overtime eligible employee paid a salary, dividing the annual salary by 52 to determine the weekly salary, and then dividing the weekly salary by the employee's normal scheduled hours of work;
 - a. **Overtime exempt salary.** For an overtime exempt employee paid a salary, dividing the employee's annual salary by 52 to determine the weekly salary, and then dividing the weekly salary by the number of hours in the employee's normal work week, even if the employee actually works more or fewer hours in a particular work week.
 - c. **Fluctuating rate of pay.** For an employee whose hourly rate of pay fluctuates:
 - i. Where the employer can identify the hourly rates of pay for which the employee was scheduled to have worked, a calculation equal to the scheduled hourly rates of pay the employee would have earned during the period in which paid sick and safe time is 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 days, whichever yields the higher hourly rate.
3. **Shift of indeterminate length.** For employees who are scheduled to have worked a shift of indeterminate length (e.g., a shift that is defined by business needs rather than a specific number of hours), the rate of pay may be calculated by multiplying the employee's normal hourly compensation by the total hours worked by a replacement employee in the same shift, or similarly situated employees who worked that same or similar shift.
4. **Similarly-situated employees.** An employer must apply a consistent methodology when calculating the normal hourly compensation of similarly situated employees.

SHRR 70-100 PAYMENT OF PAID SICK AND SAFE TIME

Unless verification for use of paid sick and safe time of more than three consecutive days is required by an employer, the employer must pay paid sick and safe time to an employee no later than the payday for the pay period in which the paid sick and safe time was used by the employee. If verification is required by the employer, paid sick and safe time must be paid to the employee no later than the payday for the pay period during which verification is provided to the employer by the employee.

SHRR 70-110 SEPARATION AND REINSTATEMENT OF ACCRUED PSST UPON REHIRE

1. **Breaks in service.** When an employee separates from employment and is rehired within 12 months of separation by the same employer, whether at the same or a different business location of the employer, the employer must comply with the provisions of SMC 14.16.025(L).
2. **Cash-out of accrued, unused PSST.**
 - a. If an employee separates from employment, the employer is not required to provide financial or other reimbursement to the employee for accrued, unused paid sick and safe time at the time of separation.
 - b. An employer may choose to reimburse an employee for any portion of their accrued, unused paid sick and safe time at the time the employee separates from employment.
 - c. If an employer chooses to reimburse an employee for any portion of their accrued, unused paid sick and safe time at the time the employee separates from employment, any such terms for reimbursement must be mutually agreed upon in writing by both the employer and the employee, unless the right to such reimbursement is set forth elsewhere in federal, state or local law; an employer's written policy; or through a collective bargaining agreement.
3. **Reinstatement of accrued, unused PSST upon rehire.**
 - a. If an employee is rehired by the same employer, whether at the same or a different business location of the employer, within 12 months after the date the employee separates from employment, the employer must reinstate the employee's accrued, unused paid sick and safe time. An employer need not reinstate any hours of paid sick and safe time previously provided to the employee through financial or other reimbursement at the time of separation, as long as the value of the paid sick and safe time was established and paid at a rate that was at least equal to the employee's normal hourly compensation.

- b. When an employee separates from employment and the employee is rehired within 12 months of separation by the same employer, whether at the same or a different business location of the employer, an employee who reached the 90th calendar day of employment prior to separation shall have their previously accrued, unused paid sick and safe time balance available for use upon rehire. If the employee did not reach the 90th calendar day of employment prior to separation, the previous period of employment must be counted for purposes of determining the date upon which the employee is entitled to use paid sick and safe time.
- c. Upon rehire, an employer must provide notification to the employee of the amount of accrued, unused paid sick and safe time available for use by the employee.
- d. If the period of time an employee separates from employment extends into the following year ("year" as defined at SMC 14.16.010), the employer is not required to reinstate more than the carry over requirement, established by SMC 14.16.025(G), SMC 14.16.025(H)(3), and SMC 14.16.025(I)(3), of the employee's accrued, unused paid sick and safe time.

SHRR 70-120 PAID TIME OFF (PTO) PROGRAMS

1. **Paid Time Off (PTO) programs.** A combined or universal paid leave policy, such as paid time off (PTO) program, provided to employees by an employer's PTO program (e.g., a program that combines vacation leave, paid sick and safe time, or other forms of leave into one pool), created by a written policy, satisfies the requirement to provide paid sick and safe time if the PTO program meets or exceeds the provisions of SMC 14.16 and all applicable rules, including:
 - a. Available paid leave may be used for the same purposes and under the same conditions as paid sick and paid safe time as set forth in SMC 14.16.030; and
 - b. Paid leave is accrued at the rate consistent with SMC 14.16.025.B(1) or (2); and
 - c. Any accrued but unused paid leave may be carried over to the following year consistent with SMC 14.16.025(H)(3), or SMC 14.16.025(I)(3).
2. **Use of PTO.** If an employee chooses to use their PTO leave for purposes other than those authorized under SMC 14.16.030(A) and the need for use of paid sick and safe time later arises when no additional PTO leave is available, the employer is not required to provide any additional PTO leave to the employee as long as the employer's PTO program meets or exceeds the provisions of SMC 14.16, and all applicable rules.

SHRR 70-130 SHARED PAID SICK AND SAFE TIME PROGRAMS

1. **Shared PSST program.** An employer may establish a shared paid sick and safe time program in which an employee may choose to donate paid sick and safe time to a co-worker.
2. **Written policy.** If an employer establishes a shared paid sick and safe time program, the employer must have a written policy which specifies that an employee may donate accrued, unused paid sick and safe time to a co-worker for purposes authorized under SMC 14.16.030(A). The employer must notify employees of such policy or agreement prior to allowing an employee to donate or use shared paid sick and safe time. An employer must make this information readily available to all employees.

SHRR 70-140 SHIFT SWAPPING

1. **Finding replacement worker prohibited.** An employer may not require, as a condition of an employee using paid sick and safe time, that the employee search for or find a replacement worker to cover the hours during which the employee is using paid sick and safe time.
2. **Shift swapping.** Upon mutual agreement by the employer and employee(s) involved, an employee may work additional hours or shifts, or trade shifts with another employee, in lieu of using available paid sick and safe time for missed hours or shifts that qualify for the use of paid sick and safe time.

SHRR 70-150 FRONTLOADING

1. **Frontloading.** An employer may, but is not required to, frontload paid sick and safe time to an employee in advance of accrual.
2. **Accrual, use, and carry over requirements.** If an employer frontloads paid sick and safe time, the employer must ensure that such frontloading meets or exceeds requirements for accrual, use, and carry over of paid sick and paid safe time and otherwise complies with the provisions of SMC 14.16, and all applicable rules.
3. **Reasonable calculation.** If an employer frontloads paid sick and safe time, the employer must do so by using a reasonable calculation, consistent with the accrual requirement set forth under SMC 14.16.025(B)(1) or (2), to determine the amount of paid sick and safe time the employee would have otherwise accrued absent frontloading.

- a. If an employer frontloads paid sick and safe time to an employee, but such frontloaded paid sick and safe time is less than the amount the employee was entitled to accrue under SMC 14.16.025(B)(1) or (2), the employer must make such additional amounts of paid sick and safe time available for use by the employee as soon as practicable, but no later than thirty days after identifying the discrepancy.
 - b. If an employer calculates and frontloads, and an employee subsequently uses, an amount of paid sick and safe time which exceeds the paid sick and safe time the employee would have otherwise accrued absent frontloading, the employer shall not be entitled to seek reimbursement from the employee for such paid sick and safe time.
4. **Written policy.** The employer must have a written policy which addresses the requirements for use of frontloaded paid sick and safe time. An employer must notify employees of such policy or agreement prior to frontloading an employee paid sick and safe time, and must make this information readily available to all employees.

SHRR 70-160 THIRD PARTY ADMINISTRATORS

1. **Third party administrators.** Employers may contract with a third-party administrator to administer the paid sick and safe time requirements under SMC 14.16, and all applicable rules.
2. **Pooling accrued, unused paid sick and safe time.** Employers are not relieved of their obligations under SMC 14.16, and all applicable rules, if they elect to contract with a third-party administrator to administer paid sick and safe time requirements. With the consent of employers, third-party administrators may pool an employee's accrued, unused paid sick and safe time from multiple employers as long as the accrual rate is at least equal to the amount required by SMC 14.16.025(B)(1) or (2). For example, if a group of employers have employees who perform work for various employers at different times, the employers may choose to contract with a third-party administrator to track the hours worked and rate of accrual for paid sick and safe time for each employee, and pool such accrued, unused paid sick and safe time for use by the employee when the employee is working for any employers in the same third-party administrator network.

SHRR 70-170 EMPLOYEE USE OF PAID SICK AND SAFE TIME FOR UNAUTHORIZED PURPOSES

1. **Deductions from wages.** If an employer can demonstrate that an employee's use of paid sick and safe time was for a purpose not authorized under SMC 14.16.030(A)(1) or (2), the employer

may withhold payment of paid sick and safe time for such hours, but may not subsequently deduct those hours from an employee's legitimately accrued, unused paid sick and safe time hours.

2. **Notification.** If an employer withholds payment for the use of paid sick and safe time for purposes not authorized under SMC 14.16.030(A)(1) and (2), the employer must provide notification to the employee.

SHRR 70-180 EMPLOYER NOTIFICATION OF PAID SICK AND SAFE TIME

1. **Notification.** Each time wages are paid, employers shall provide each employee with written notification stating an updated amount of paid leave available to each employee for use as paid sick and safe time.
 - a. The updated amount of paid leave available to each employee shall include accrued paid sick and safe time since the last notification, reduced paid sick and safe time since the last notification, and any unused paid sick and safe time available for use.
 - b. Employers may choose a reasonable system for providing this notification, including but not limited to listing updated amounts of paid leave available to each employee on pay stubs (e.g. regular payroll statements) or developing an online system where employees can access such information.
2. **No hours worked since last notification.** Employers are not required to provide notification to an employee if the employee has no hours worked since the last notification.
3. **Notification for frontloading.** If an employer chooses to frontload paid sick and safe time to an employee in advance of accrual:
 - a. The employer must make written or electronic notification to an employee no later than the end of the period for which the frontloaded paid sick and safe time was intended to cover, establishing that the amount of paid sick and safe time frontloaded to the employee was at least equal to the accrual rate under SMC 14.16.025(B)(1) or (2); and
 - b. The employer is not relieved of their obligation to provide notification, not less than each time wages are paid, of the paid sick and safe time available for use by the employee.

SHRR 70-190 NOTICE AND POSTING

1. **Workplace poster.** Employer must display a poster, created by the Seattle Office of Labor Standards, that provides notice of employee rights to paid sick and safe time under SMC 14.16. Employers must display the poster, in a conspicuous and accessible location where any of their employees works, in English and the primary language(s) of the employee(s) at the particular workplace. If display of the poster is not feasible, including situations when the employee works remotely or does not have a regular workplace, employers may provide the poster on an individual basis in the employee's primary language in physical or electronic format that is reasonably conspicuous and accessible.
 - a. **Poster size.** As a minimum standard, employers must display the workplace poster in the specific dimensions established by the Seattle Office of Labor Standards.
 - b. **Display or provision of poster.** Employers must display the poster, or provide the poster on an individual basis if display of the poster is not feasible, no later than the employee's commencement of employment, or within 30 days of coverage if the employee becomes covered by SMC 14.16 during the course of ongoing employment.
2. **Written policy.** Employers shall provide each employee with written notice of the employer's policy and procedure for meeting the requirements of SMC 14.16.

Right to normal hourly compensation. In addition to the requirements established by SMC 14.16.045(C)(1)(a) through (i), the employer's written policy, by September 1, 2018, must state an employee's right to be paid normal hourly compensation for using PSST. The written policy is not required to state any employee's specific rate of pay.

SHRR 70-200 RETALIATION PROHIBITED

1. **Retaliation prohibited.** No employer or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under SMC 14.16.
 - a. An employer shall not adopt or enforce any policy that uses the taking of paid sick and paid safe time for a purpose authorized under SMC 14.16.030(A)(1) or (2) as an absence that may lead to or result in discipline against the employee.
 - b. No employer or any other person shall take any adverse action against any person because the person has exercised in good faith the rights protected under SMC 14.16.

SHRR 70-210 ENCOURAGEMENT OF MORE GENEROUS POLICIES

1. **More generous policies.** Nothing shall be construed to discourage or prohibit an employer from adopting or retaining a paid sick and safe time policy that is more generous than the policy established by SMC 14.16.
2. **Additional purposes.** Employers are not prevented from permitting use of paid sick and safe time for additional purposes.

SHRR 70-220 ENFORCEMENT

The practices and procedures for enforcing the Paid Sick and Safe Time Ordinance are determined by the Seattle Office of Labor Standards Rules, Chapter 140.

DRAFT

~~((SEATTLE OFFICE FOR CIVIL RIGHTS~~

~~Seattle Office for Civil Rights Rules~~

~~Chapter 70~~

~~Practices for administering paid sick time and paid safe time under SMC 14.16~~

GENERAL PROVISIONS

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EMPLOYER RECORDS

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ENFORCEMENT

SHRR 70-490 — Enforcement of ordinance

WAIVER

SHRR 70-500 — Collective bargaining agreement

GENERAL PROVISIONS

SHRR 70-001—Purpose

These Rules (Chapter 70) govern the practices of the Seattle Office for Civil Rights in administering the provisions of the Paid Sick Time and Paid Safe Time Ordinance (Ordinance), Seattle Municipal Code (SMC) 14.16.

SHRR 70-010—Definitions

- (1) “Adverse action” means the discharge, suspension, discipline, transfer, demotion or denial of promotion by an employer of an employee for any reason prohibited by SMC 14.16.040.
- (2) “Business” and “engaging in business” have the same meanings as in SMC 5.30.
- (3) “Calendar year” means the period of a year beginning January 1 and ending December 31 and is not interchangeable with a fiscal year or rolling year that is different than this definition.
- (4) “City” shall mean the City of Seattle.
- (5) “Charging party” means the person aggrieved by an alleged violation of this chapter or the person making a charge on another person's behalf, or the Director when the Director files a charge.
- (6) “Clear instance or pattern of abuse” includes one or more situations when an employee has used paid sick/safe time in a pattern without legitimate reason (e.g. repeated absences or absences that precede or follow regular days off) or has obtained, attempted to obtain or used paid sick/safe time improperly.
- (7) “Client” means any employer that enters into a professional employer agreement with a professional employer organization.

~~(8) "Combined or universal leave policy" means a policy, such as a paid time off (PTO) policy, that is defined in writing or practice as providing employees with a single amount of paid leave and permitting employees to use available paid leave regardless of the reason.~~

~~(9) "Department" means the Seattle Office for Civil Rights.~~

~~(10) "Director" means the Director of the Seattle Office for Civil Rights.~~

~~(11) "Eating and/or drinking establishment" means a place where food and/or beverages are prepared and sold at retail for immediate consumption either on- or off-premise, but excludes food and beverage service sites such as cafeterias, that are accessory to other activities and primarily serve students, patients and/or on-site employees.~~

~~(12) "Employ" means to engage, suffer or permit to work.~~

~~(13) "Employee" shall mean any individual employed by an employer, and shall include traditional employees, temporary workers, and part-time employees. Individuals performing services under a work study agreement are not covered by this chapter. Employees are covered by the Ordinance if they perform their work in Seattle. An employee who performs work in Seattle on an occasional basis is covered by the Ordinance only if he or she performs more than 240 hours of work in Seattle within a calendar year. An employee who is not covered by the Ordinance is still included in any determination of the size of the employer. In the event that a temporary employee is supplied by a staffing agency or similar entity, absent a contractual agreement stating otherwise, that individual shall be an employee of the staffing agency for all purposes of this chapter, except as provided in SMC 14.16.010(T)(4)(b)~~

~~(14) "Employer" shall mean, as defined in SMC 14.04.030(K), any person who has one or more employees, or the employer's designee or any person acting in the interest of such employer. Employer size shall be determined as provided in SMC 14.16.010(T). For purposes of the Ordinance, "employer" does not include any of the following:~~

~~a. The United States government;~~

b. ~~The State of Washington, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary;~~

c. ~~Any county or local government other than the City.~~

~~(15) "Employment agency" or "staffing agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.~~

~~(16) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units, including departments of an establishment operated through leasing arrangements but not including the related activities performed for such enterprise by an independent contractor.~~

~~(17) "Exempt employee" means an employee who is exempt from overtime payment under federal or state law.~~

~~(18) "Full-time" means an eight-hour day and a five-day week or as full-time is defined, in writing or practice, by the employer. There is no minimum number of hours for full-time; it is an employer-specific determination. An employer may define full-time differently for exempt and nonexempt employees.~~

~~(19) "Full-time equivalent" shall mean the number of hours worked for compensation that add up to one full-time employee, based either on an eight-hour day and a five-day week or as full-time is defined, in writing or in practice, by the employer.~~

~~(20) "Health care professional" shall mean any person authorized by the City, any state government and/or the federal government to diagnose and treat physical or mental health conditions, including~~

a doctor, nurse, emergency medical care provider, and/or a public health clinic worker, so long as that person is performing within the scope of their practice as defined by the relevant law.

(21) “Hours worked” means time that an employee performs work for the employer and does not include paid or unpaid leave.

(22) “Integrated enterprise” means an enterprise in which the operations of two or more separate entities are considered so intertwined that they can be considered the single employer of the employee.

(23) “Joint employer” means a relationship in which two or more separate entities exercise some control over the work or working conditions of the employee.

(24) “Nonexempt employee” means an employee who is not exempt from overtime payment under federal or state law.

(25) “Normal work week” means an employee’s regular schedule of work hours (e.g. 40 hours at full-time, etc.).

(26) “Ordinance” means the Paid Sick Time and Safe Time Ordinance, Seattle Municipal Code (SMC) 14.16.

(27) “Paid sick time” and/or “paid sick days” shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in SMC 14.16.030(A)(1), for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken. Employees are not entitled to compensation for lost tips or commissions and compensation shall only be required for hours that an employee is scheduled to have worked.

a. —For purposes of determining eligibility for “paid sick time,” “family member” shall mean, as defined in the Washington Family Care Act, RCW 49.12.265 and 49.12.903, as follows:

- i. ~~“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: (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.~~
- ii. ~~“Grandparent” means a parent of a parent of an employee.~~
- iii. ~~“Parent” means 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.~~
- iv. ~~“Parent in law” means a parent of the spouse of an employee.~~
- v. ~~“Spouse” means husband, wife or domestic partner. For purposes of this chapter, the terms spouse, marriage, marital, husband, wife, and family shall be interpreted as applying equally to city or state registered domestic partnerships or individuals in city or state registered domestic partnerships as well as to marital relationships and married persons to the extent that such interpretation does not conflict with federal law. Where necessary to implement this chapter, gender specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in city or state registered domestic partnerships.~~

~~(28) “Paid safe time” and/or “paid safe days” shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in SMC 14.16.030(A)(2), for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.~~

- a. ~~For the purposes of determining eligibility for “paid safe time”:~~

i. ~~“Family or household members” shall mean, as defined in RCW 49.76.020, spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.~~

ii. ~~“Domestic violence” shall mean:~~

1. ~~Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;~~

2. ~~sexual assault of one family or household member by another; or~~

3. ~~stalking, as defined below in SMC 14.16.010(P)(1)(c), of one family or household member by another family or household member.~~

4. ~~“Stalking” shall be defined as in RCW 9A.46.110,~~

5. ~~“Dating relationship” shall mean, as defined in RCW 49.76.020, a social relationship of a romantic nature.~~

6. ~~“Sexual assault” shall be defined as in RCW 49.76.020.~~

(29) ~~“Part-time” means the number of hours that constitute a part-time work schedule as defined in writing or practice by the employer.~~

~~(30) "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging a violation of this chapter, the person alleged or found to have committed a violation of this chapter and the Seattle Office for Civil Rights.~~

~~(31) "Person" includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, firm, institution, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any department, office, agency or instrumentality of the City.~~

~~(32) "Professional employer agreement" means a written contract by and between a client and a professional employer organization that provides for the joint employment of covered employees; and for the allocation of employer rights and obligations between the client and the professional employer organization with respect to the covered employees. See RCW 82.04.540(3)(e).~~

~~(33) "Professional employer organization" means any person engaged in the business of providing professional employer services as defined by RCW 82.04.540(3)(f).~~

~~(34) "Tier One," "Tier Two," and "Tier Three" employers are defined as follows:~~

~~a. "Tier One employer" shall mean an employer that employs more than four and fewer than fifty full time equivalents on average per calendar week.~~

~~b. "Tier Two employer" shall mean an employer that employs at least fifty and fewer than 250 full time equivalents on average per calendar week.~~

~~c. "Tier Three employer" shall mean an employer that employs 250 or more full-time equivalents on average per calendar week.~~

~~d. The determination of employer tier for the current calendar year will be calculated based upon the average number of full-time equivalents paid per calendar week during the~~

~~preceding calendar year for any and all weeks during which at least one employee worked for compensation. To determine the number of full time equivalents, all compensated hours of all employees shall be counted, including:~~

~~i. work performed outside of the City; and~~

~~ii. compensated hours made available by part-time employment, temporary employment or through the services of a temporary services or staffing agency or similar entity.~~

~~e. For employers that did not have any employees during the previous calendar year, the employer tier will be calculated based upon the average number of full time equivalents paid for per calendar week during the first 90 calendar days of the current year in which the employer engaged in business.~~

~~(35) "Work Study" means a job placement program that provides students in secondary and/or post-secondary educational institutions with employment opportunities for financial aid and/or vocational training.~~

~~SHRR 70-020 Practice where rules do not govern~~

~~If a matter arises in administering the Ordinance that is not specifically governed by these rules, the Director shall, in the exercise of his or her discretion, specify the practices to be followed.~~

~~SHRR 70-030 Construction of rules~~

~~These rules shall be liberally construed to permit the Department to accomplish its administrative duties and to secure the just and efficient determination of the merits of all charges and complaints received by the Department.~~

~~EMPLOYEES _____~~

~~SHRR 70-040 Alternative and limited Seattle schedules~~

- ~~(1) **Employer location.** Employees who perform work in Seattle are covered by the Ordinance regardless of where their employer is located.~~
- ~~(2) **Telecommuting in Seattle.** Employees who perform work for an employer by telecommuting are covered by the Ordinance for hours that they telecommute in Seattle.~~
- ~~(3) **Telecommuting outside Seattle.** Employees who perform work for an employer by telecommuting are not covered by the Ordinance for hours that they telecommute outside of Seattle.~~
- ~~(4) **Work outside of Seattle.** Employees who perform work outside of Seattle, even if the employer is based in Seattle, are not covered by the Ordinance for hours worked outside of Seattle.~~
- ~~(5) **Occasional basis.** Employees who typically perform work outside of Seattle but work in Seattle on an occasional basis are covered by the Ordinance if they perform more than 240 hours of work in Seattle within a calendar year.
 - ~~a. Employees who perform work in Seattle on an occasional basis are distinguished from traditional employees, temporary workers and part-time employees with a reasonable expectation of performing more than 240 hours of work in Seattle.~~
 - ~~b. Once an employee who performs work in Seattle on an occasional basis is covered by the Ordinance, that employee shall remain covered by the Ordinance for the current and following calendar year.~~
 - ~~c. The requirement to track hours of occasional basis employees starts on the date this Ordinance goes into effect, September 1, 2012.
 - ~~i. Tracking hours worked in Seattle may be delegated to employees if the employer meets Ordinance requirements for notice and posting and provides employees with a reasonable system for tracking hours.~~~~~~

- ii. ~~Tracking total hours worked, rather than hours worked in Seattle, is permitted if the employer meets Ordinance requirements for provision of paid sick/safe time regardless of where work is performed.~~

~~**(6) Stopping in Seattle.** Employees who travel to Seattle and make a stop as a purpose of their work (e.g., to make pickups, deliveries, sales calls, etc.) are covered by the Ordinance for all hours that they perform work in Seattle, including travel within the city to and from the work site(s).~~

~~**(7) Travelling through Seattle.**~~

- a. ~~Employees who travel through Seattle, but do not stop in the city as a purpose of their work (e.g. to make pickups, deliveries, sales calls, etc.) are not covered by the Ordinance for the time spent travelling through Seattle.~~
- b. ~~Employees who travel through Seattle and only make incidental stops (e.g. purchasing gas or changing a flat tire) are not making a stop as a purpose of their work.~~

~~**SHRR 70 050 — Temporary workers**~~

~~**(1) In general.** Temporary workers are covered by the Ordinance if they perform work in Seattle. See 14.16.010(J).~~

~~**(2) Off assignment.** If a temporary worker is not on assignment in Seattle, an employer is not required to permit his or her use of paid sick/safe time.~~

~~**(3) Staffing Agencies.**~~

- a. ~~**In general.** A temporary worker supplied by a staffing agency or similar entity, absent a contractual agreement stating otherwise, shall be an employee of the staffing agency for all purposes of the Ordinance except as provided in SMC 14.16.010(T)(4)(b) to determine employer tier size. See SMC 14.16.010(J).~~

- ~~b. **Tier size.** Temporary workers supplied by a staffing agency shall be counted for tier size of the staffing agency and the contracting employer.~~
- ~~c. **General responsibility.** Absent a contractual agreement stating otherwise, a staffing agency is responsible for complying with the Ordinance's requirements for providing paid sick/safe time.~~
- ~~d. **Situational responsibility.** Absent a contractual agreement stating otherwise, the contracting employer is not responsible for providing paid sick/safe time if a staffing agency is not a covered employer under the Ordinance (e.g. a staffing agency is a federal, state or other local government employer).~~
- ~~e. **Assignment.** After a temporary worker uses paid sick/safe time, the staffing agency may return the temporary worker to the original assignment or the next available assignment if the original assignment is no longer available. A staffing agency's inability to provide a temporary worker with an assignment immediately following use of paid sick/safe time shall not be presumed an adverse action unless there is evidence of retaliation or discrimination due to the temporary worker's good faith exercise of rights under the Ordinance.~~

EMPLOYERS

~~SHRR 70 060~~ **Integrated enterprises**

- ~~(1) **Single employer.** Separate entities that form an integrated enterprise shall be a single employer under the Ordinance. Examples of an integrated enterprise include but are not limited to a single entrepreneur with multiple businesses, a corporation with subsidiaries in Seattle, a corporation with franchises in Seattle, etc.~~
- ~~(2) **Determination.** The Department will determine the existence of an integrated enterprise by assessing the degree of control exercised by one entity over the operation of another entity. The factors in this assessment include, but are not limited to:~~

- a. ~~Degree of interrelation between the operations;~~
- b. ~~Degree to which the entities share common management;~~
- c. ~~Centralized control of labor relations; and/or~~
- d. ~~Degree of common ownership or financial control over the entities.~~

~~(3) Tier Size.~~ Employees of all separate entities that form an integrated enterprise shall be counted for the integrated enterprise's tier size.

SHRR 70-070 — Joint employers

~~(1) Joint employer.~~ Separate entities that exercise some control over the work or working conditions of the employee may be treated as a joint employer under the Ordinance. Joint employers may be separate and distinct entities with separate owners, managers, and facilities. An example of a joint employer includes a client and professional employer organization that have entered into a professional employer agreement.

~~(2) Determination.~~ The Department may determine that separate entities are joint employers when an employee performs work which simultaneously benefits two or more employers and/or an employee works for two or more employers at different times during the workweek. The determination will be made on a case by case basis and will examine the entire relationship between the entities.

~~(3) Tier size for joint employers created by professional employer agreements.~~ When a client enters into a professional employer agreement with a professional employer organization, only employees of the client (and not the employees of the professional employer organization) shall be counted for the client's tier size.

~~SHRR 70-080~~ — ~~Newly acquired employers~~

~~A newly-acquired employer shall not be a “new employer” under the Ordinance. The provisions of the Ordinance for paid sick/safe time shall immediately apply to newly-acquired Tier One and Tier Two employers without a 24 month waiting period because the hire date of the first employee will relate back to the former employer. See SMC 14.16.090.~~

~~For example, a new company purchases an existing company’s assets and retains the existing company’s employees. The former company’s employees are all retained by the new company. The new company is a newly-acquired employer and is responsible for immediate compliance with the Ordinance.~~

~~SHRR 70-090~~ — ~~Full time equivalents~~

~~(1) In general.~~

- ~~a. A full time equivalent shall mean the number of hours worked for compensation that adds up to one full-time employee. See SMC 14.16.010(M).~~
- ~~b. The employer tier size for the current calendar year will be calculated based on the average number of full time equivalents paid for per calendar week during the preceding calendar year for any and all weeks during which at least one employee worked for compensation. See SMC 14.16.010(T)(4).~~
- ~~c. To determine the number of full-time equivalents, all compensated hours of all employees shall be counted. See SMC 14.16.010(T)(4).~~

~~(2) **Compensated Hours.** Employers shall count compensated hours for all hours worked and are not required to count paid leave as compensated hours.~~

~~(3) **Nonexempt employees and overtime.** Employers shall count all hours worked by nonexempt employees, including overtime hours.~~

~~(4) Exempt employees.~~ Employers shall count all hours worked by exempt employees based on hours for a full time or part time normal work week (up to 40 hours per week) rather than tracking actual hours worked.

For example, if an exempt employee has a full time normal work week of 40 hours per week, the employer counts “hours worked for compensation” based on 40 hours per week, regardless of whether the exempt employee worked more than 40 hours per week.

~~(5) Fractions of full time equivalents.~~ Employers shall count fractions of full time equivalents.

For example, if an employer defines full time as working 40 hours per week and has six employees who each work 30 hours per week, this employer has 4.5 full time equivalents and is a Tier One employer.

ACCRUAL

SHRR 70 100 — Accrual of paid sick/safe time

Employees of Tier One or Tier Two employers shall accrue at least one hour of paid time for every 40 hours worked in Seattle. Employees of Tier Three employers shall accrue at least one hour of paid time for every 30 hours worked in Seattle. See SMC 14.16.020(B).

SHRR 70 110 — Accrual of combined or universal leave

Employees of employers with a combined or universal leave policy, such as a paid time off (PTO) policy, shall accrue at least one hour of paid time at the rate required for the employer’s tier size. See SMC 14.16.020(H)(2)-(3) and SMC 14.16.020(I)(2)-(3).

SHRR 70 120 — Start of Accrual

~~(1) Except as modified in section two of this rule, employees who perform work in Seattle, including traditional employees, temporary workers, part time employees and employees who work in Seattle on an occasional basis shall begin to accrue paid sick/safe time on the date this Ordinance goes into effect on September 1, 2012 or at the commencement of their employment if they are hired after September 1, 2012.~~

~~(2) Employees who work in Seattle on an occasional basis shall begin to accrue paid sick/safe time upon coverage by the Ordinance (i.e. when they have worked more than 240 hours of work in Seattle within a calendar year).~~

SHRR 70 130—Existing Policy

~~(1) An employer that has an existing policy for paid sick/safe time on the date the Ordinance goes into effect on September 1, 2012 is not required to provide additional paid sick/safe time for the remainder of the 2012 calendar year provided that the existing policy meets the minimum requirements of the Ordinance, including but not limited to:~~

- ~~a. The existing policy provides paid leave for the same purposes and under the same conditions as paid sick/safe time as stated by SMC 14.16.030;~~
- ~~b. The existing policy provides paid leave that is accrued at the rate consistent with SMC 14.16.020(B), SMC 14.16.020(H)(2) and SMC 14.16.020(I)(2);~~
- ~~c. The existing policy provides use of paid leave within any calendar year that is limited to no less than the amounts specified respectively for Tier One, Tier Two or Tier Three employers in SMC 14.16.020(C), SMC 14.16.020(H)(3) and SMC 14.16.020(I)(3);~~
- ~~d. The existing policy provides carry over of unused paid leave to the following calendar year that is limited to no less than the amounts specified respectively for Tier One, Tier Two or Tier Three employers in SMC 14.16.020(G), SMC 14.16.020(H)(4) and SMC 14.16.020(I)(4);~~
~~and~~

e. ~~Records show the employee's accrual, use and carry over of the paid sick/safe time for the 2012 calendar year is consistent with the above requirements.~~

~~SHRR 70-140 — Paid leave~~

~~Employers are not required to permit accrual of paid sick/safe time during an employee's use of paid leave.~~

~~SHRR 70-150 — Unpaid leave~~

~~Employers are not required to permit accrual of paid sick/safe time during an employee's use of unpaid leave~~

~~SHRR 70-160 — Overtime~~

~~Employers are required to permit accrual of paid sick/safe time when a nonexempt employee works overtime hours.~~

~~SHRR 70-170 — Frontloading~~

~~An employer's provision of paid sick/safe time in advance of accrual shall be permissible frontloading, provided that the frontloading meets the Ordinance requirements for accrual, use and carry over.~~

~~SHRR 70-180 — Carry over~~

~~(1) In general. Unused paid sick/safe time shall be carried over to the following calendar year according to Ordinance requirements.~~

~~a. Tier One employers shall permit employees to carry over unused paid sick/safe time up to 40 hours. Tier Two employers shall permit employees to carry over unused paid sick/safe time up to 56 hours. Tier Three employers shall permit employees to carry over unused paid sick/safe time up to 72 hours. See SMC 14.16.020(G).~~

b. ~~Tier One or Tier Two employers with a combined or universal leave policy, such as a paid time off (PTO) policy, shall permit employees to carry over unused paid leave in accordance with carry over requirements for Tier One and Two employers. See SMC 14.16.020(H)(4).~~

c. ~~Tier Three employers with a combined or universal leave policy, such as a paid time off (PTO) policy, shall permit employees to carry over up to 108 hours of unused paid leave, See SMC 14.16.020(I)(4).~~

~~(2) Amount of carry over.~~ Employers are not required to permit employees to carry over unused paid sick/safe time beyond the provisions of SMC 14.16.020 (G)-(I).

~~(3) Accrual after carry over.~~ Employers are required to permit employees to maintain and/or use their carried over paid sick/safe time while concurrently accruing new paid sick/safe time for every hour worked. However, employers are not required to permit use of paid sick/safe time beyond the provisions of SMC 14.16.020(C).

USE

SHRR 70 190 — Waiting period

~~(1) 180 calendar days.~~ Except as provided in the Ordinance for new employers, employees shall be eligible to use accrued paid sick/safe time beginning on the 180th calendar day after the commencement of their employment. The waiting period for eligibility relates back to the employee's commencement of employment, not the first day the Ordinance goes into effect on September 1, 2012.

~~(2) Occasional basis.~~ Employees who perform work in Seattle on an occasional basis shall be eligible to use accrued paid sick/safe time beginning on the 180th calendar day after the commencement of their employment, provided that they have met the initial coverage requirements of performing more than 240 hours of work in Seattle within the current or preceding calendar year.

SHRR 70 200 — Location of use

All covered employees, including traditional employees, temporary workers, part-time employees and employees who perform work in Seattle on an occasional basis, shall be entitled to use paid sick/safe time during times that they are scheduled to perform work in Seattle.

SHRR 70 210 — Paid safe time

~~(1) In general.~~ Paid safe time can be used when an employee's place of business, or the school/place of care of an employee's child, has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material. See SMC 14.16.030(A)(2)(a)-(b).

~~(2) Inclement weather, loss of power or loss of water.~~ Employees are not entitled to use of paid safe time when an employee's place of business, or when the school or place of care of an employee's child, has been closed due to inclement weather, loss of power or loss of water. The use of paid safe time shall be limited to the specific circumstances described in the Ordinance.

SHRR 70 220 — Rate of pay

~~(2) In general.~~ When using paid sick/safe time, an employee shall be compensated at the same hourly rate as the employee would have earned during the time the paid leave is taken. Employees are not entitled to compensation for lost tips or commissions and compensation shall only be required for hours that an employee is scheduled to have worked. See SMC 14.16.010(O).

~~(3) Minimum wage.~~ Employees may not be compensated for paid sick/safe time at a rate of pay that is less than the state minimum wage, except as modified by SHRR 70 240(1).

~~(4) Nonexempt employees~~

~~a. Hourly rate of pay.~~ For nonexempt employees paid an hourly wage, the hourly rate of pay shall be the same hourly wage the employee would have earned during the time which paid sick/safe time is taken.

~~b. **Overtime hours.** For nonexempt employees who use paid sick/safe time for hours that would have been overtime hours if worked, employers are not required to apply overtime standards to an employee's hourly rate of pay.~~

~~i. **Mandatory overtime.** Employers are required to permit use of paid sick/safe time for mandatory overtime hours that an employee was scheduled to work.~~

~~ii. **Voluntary overtime.** Employers are not required to permit use of paid sick/safe time for voluntary overtime hours that the employee elected or agreed to add to his or her schedule.~~

~~c. **Annual Salary.** For nonexempt employees paid an annual salary, the hourly rate of pay shall be determined by dividing the annual salary by the number of weeks worked per year to get the weekly salary and dividing the weekly salary by 40 or fewer hours, even if the non-exempt employee regularly works more than 40 hours per week.~~

~~(5) **Exempt employees**~~

~~a. **Annual Salary.** For exempt employees who are paid an annual salary, the hourly rate of pay shall be determined by dividing the annual salary by the number of weeks worked per year to get the weekly salary and dividing the weekly salary by the number of hours of the employee's normal work week.~~

~~(6) **Two or more jobs for same employer.** For employees who perform work for two or more jobs at different rates of pay for the same employer, the hourly rate of pay shall be equal to the scheduled rate of pay for the job during which paid sick/safe time is taken.~~

~~(7) **Fluctuating rate of pay for same job.** For employees whose rates of pay fluctuate for the same job (e.g. wage augmentation other than commission, tips or overtime), the hourly rate of pay shall be equal to the scheduled rate(s) of pay for the job during which paid sick/safe time is taken.~~

~~(8) Commissions and piecework.~~ For employees who are paid on a commission (whether base wage plus commission or commission only) or piecework basis (whether base wage plus piecework or piecework only), the hourly rate of pay shall be the base wage or applicable minimum wage, whichever is greater.

~~SHRR 70-230~~ — ~~Shifts of indeterminate length~~

For employees who are scheduled to work a shift of indeterminate length (e.g. a shift that is defined by business needs rather than a specific number of hours), the employer may determine payment for paid sick/safe time based on hours worked by a replacement employee in the same shift or similarly-situated employees who worked that same or similar shift in the past.

~~SHRR 70-240~~ — ~~On-call shifts~~

~~(1) For employees who are scheduled for on-call shifts and are compensated for the scheduled time, regardless of whether work is performed, employers must permit use of paid sick/safe time.~~

~~(2) For employees who are scheduled for on-call shifts and are compensated only if work is performed, employers may, but are not required to, permit use of paid sick/safe time.~~

~~SHRR 70-250~~ — ~~Shift swapping~~

~~(1) In general.~~

~~a. Upon mutual consent by the employee and the employer, an employee may work additional hours or shifts during the same or next pay period without using available paid sick or safe time for the original missed hours or shifts. See SMC 14.16.030(G).~~

~~b. When paid sick/safe time is requested by an employee who works in an eating and/or drinking establishment, the employer may offer the employee substitute hours or shifts. If the employee accepts the offer and works these substitute hours or shifts, the amount of time worked during the substitute period or the amount of time requested for sick and safe~~

time, whichever is smaller, may be deducted from the employee's accrued sick/safe time.
See SMC 14.16.030(l).

~~(2) **Signed Agreement.** A shift-swapping arrangement may be memorialized in a signed agreement. Should questions arise about the nature of an arrangement, a signed agreement may serve as an accurate reflection of the interest and intentions of all involved parties.~~

~~(3) **Employer discretion in eating and/or drinking establishments.** In an eating or drinking establishment, the employer shall have the discretion to deduct an employee's accrued sick/safe time for hours worked during a substitute shift only for employer-managed shift-swaps and only upon mutual consent by the employer and employee.~~

SHRR 70-260 — Concurrent leave

An employee's use of paid sick/safe time also may qualify for concurrent leave under federal, state or other local laws (e.g. leave for family medical leave, family care, reasonable accommodation, workplace injury, domestic violence, etc.).

SHRR 70-270 — Disciplinary leave

Employers are not required to permit use of paid sick/safe time when an employee is suspended or otherwise on leave for disciplinary reasons.

SHRR 70-280 — Other paid leave in lieu of paid sick/safe time

An employer may permit employees to use other paid leave for the purposes of paid sick/safe time (e.g. vacation leave) provided that the employer meets the minimum requirements of the Ordinance, including but not limited to requirements for accrual, use, carry over, employee notification and record keeping.

SHRR 70-290 — Use of combined or universal leave

- ~~(1) Tier One or Tier Two employers with a combined or universal leave policy, such as a paid time off (PTO) policy, shall permit employees to use paid leave within any calendar year in accordance with requirements for Tier One and Two employers. See SMC 14.16.020(H)(3).~~
- ~~(2) Tier Three employers with a combined or universal leave policy, such as a paid time off (PTO) policy, shall permit employees to use up to 108 hours of paid leave within any calendar year, See 14.16.020(I)(3).~~
- ~~(3) If an employee uses all paid leave for a reason not related to paid sick/safe time, the employer is not obligated to provide additional leave for paid sick/safe time under this Ordinance, though other federal, state or local laws may provide paid or unpaid leave for similar purposes.~~

SHRR 70-300 — Breaks in service

- ~~(1) **In general.** Except as provided in the Ordinance for new employers, employees shall be entitled to use accrued paid sick/safe time beginning on the 180th calendar day after the commencement of their employment. When an employee is separated from employment and rehired within seven months of separation by the same employer, previously accrued and unused paid sick/safe time shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use accrued paid sick/safe time provided that if separation does occur, the total time of employment used to determine eligibility must occur within two calendar years. See SMC 14.16.020(F) and (L).~~
- ~~(2) **Separation prior to eligibility.** When an employee is separated from employment before becoming eligible to use paid sick/safe time and is rehired by the same employer within seven months of separation, the prior period of employment counts towards the 180 calendar day waiting period. The 180 calendar days do not have to be continuous or consecutive, but must have occurred within two calendar years.~~

~~(3) Separation after eligibility.~~ When an employee is separated from employment after becoming eligible to use paid sick/safe time and is rehired by the same employer within seven months of separation, the employee is not subject to the 180 calendar day waiting period.

~~(4) Reinstatement.~~

a. ~~When an employee is separated from employment and is rehired by the same employer within seven months of separation, the employer shall immediately reinstate previously accrued and unused paid sick/safe time, regardless of whether the employee has met eligibility requirements for use of paid sick/safe time.~~

b. ~~The employer is not required to reinstate accrued and unused paid sick/safe time that an employee previously cashed out. Cashed out paid sick/safe time is the equivalent of used paid sick/safe time.~~

SHRR 70 310 — Employee Notification

~~(1) In general.~~ Each time wages are paid, employers shall provide written notification in physical and/or electronic form of an updated amount of paid leave available to each employee for use as sick/safe time. See SMC 14.16.030(K).

~~(2) Notification to all potentially eligible employees.~~ Employers must provide written notification of paid leave available for paid sick/safe time to all employees who perform work in Seattle, regardless of whether the employee has met eligibility requirements (e.g. 180 calendar day waiting period) for use of paid sick/safe time.

EMPLOYEE NOTICE

SHRR 70 320 — Reasonable notice policy and procedures

~~(1) An employer may require an employee to provide reasonable notice of an absence for paid sick/safe time if the notice requirements do not interfere with the purpose of the leave.~~

~~(2) Reasonable notice may include compliance with an employer's usual and customary notice and procedural requirements, normal notice requirements, reasonable normal notification policies and/or call-in procedures for absences and/or requesting leave, provided that such requirements do not interfere with the purposes of the leave.~~

~~(3) If an employer does not have an existing policy and procedure for providing reasonable notice, the employer should establish such policy and/or procedure, preferably in writing. The policy and procedure should enable the employee to effectively provide reasonable notice in a way that can be documented.~~

SHRR 70 330 — Reference to ordinance

~~An employee may provide reasonable notice of an absence for paid sick/safe time without explicitly referencing the Ordinance or using the terms “paid sick time” or “paid safe time.” An employer may inquire further to determine whether the absence qualifies for paid sick/safe time, provided that the inquiry does not violate the privacy and confidentiality provisions of the Ordinance or federal, state or local medical privacy laws.~~

SHRR 70 340 — Notice for foreseeable leave

~~(1) **In general.** If the reason for paid sick/safe time is for a pre-scheduled or foreseeable absence, the employee shall provide a written request at least 10 days, or as early as possible, in advance of the paid leave, unless the employer’s normal notice policy requires less advance notice. See SMC 14.16.030(B)(1).~~

~~(2) **Written request.** An employer may require that the written request state the reasons for leave as paid sick time or safe time, the anticipated duration of the leave and the anticipated start of the leave as well as designate a specific individual for point of contact. An employer may not require that the notice explain the nature of the illness or other reason for the absence.~~

SHRR 70 350 — Notice for unforeseeable leave

~~(1) In general.~~ If the reason for paid sick/safe time is unforeseeable, the employee shall provide notice as soon as is practicable. In all cases, whether an employee can practicably provide notice depends upon the individual facts and circumstances of the situation. See SMC 14.16.030(B)(2).

~~(2) Paid sick and safe time.~~ Except as modified in section three of this rule, an employee shall generally comply with an employer's reasonable notice policy and/or call-in procedures for unforeseeable leave, recognizing that there are certain situations such as accidents or sudden illnesses for which such requirements might be unreasonable. If an employee is unable to provide notice personally, notice may be provided by the employee's spokesperson (e.g. spouse, domestic partner, adult family member or other responsible party).

~~(3) Domestic violence, sexual assault or stalking.~~ An employee shall provide oral or written notice to the employer no later than the end of the first day that the employee has used paid safe time for a reason related to domestic violence, sexual assault or stalking.

~~SHRR 70 360 — Notice for combined or universal leave~~

When an employer offers a combined or universal leave policy, such as a paid time off (PTO) policy, the employer may require the employee to provide notice that the paid leave is being used for foreseeable or unforeseeable paid sick/safe time. See SMC 14.16.030(B)(1)-(2).

~~EMPLOYEE DOCUMENTATION~~

~~SHRR 70 370 — Reasonable documentation~~

~~(1) In general.~~ When an employee uses paid sick/safe time for more than three consecutive days, an employer may require reasonable documentation that the sick/safe time is being used for a reason that is consistent with the Ordinance. See SMC 14.16.030(E).

~~(2) Paid sick time.~~ Reasonable documentation for paid sick time shall consist of a signed statement by a health care provider indicating that sick time is necessary.

- a. ~~**Confidentiality.** An employer may not require an explanation of the nature of the illness or other reason for the absence unless the absence is for a purpose covered by a federal, state, or other local law (e.g. leave for family medical leave, reasonable accommodation, workplace injury, etc.).~~

~~**(3) Paid safe time for domestic violence, sexual assault or stalking.** Reasonable documentation for paid safe time shall communicate that the employee or the employee's family member is experiencing domestic violence, sexual assault, or stalking and that the leave was taken for a purpose covered by the Ordinance. Reasonable documentation may include a police report, court order, documentation that the employee or the employee's family member is experiencing domestic violence, sexual assault, or stalking, or an employee's written statement. See SMC 14.16.030(F)(2), RCW 49.76.040(4) and WAC 296-135-070(3) and (4).~~

- a. ~~**Confidentiality.** An employer may not require an explanation of the nature of the domestic violence, sexual assault or stalking.~~

- b. ~~**Employee's written statement.** An employee's written statement, by itself, is acceptable documentation for use of paid safe time. An employee's written statement does not need to be in an affidavit format or notarized, but shall be legible if handwritten and shall reasonably make clear the employee's identity and, if applicable, the employee's relationship to the family member.~~

~~**SHRR 70-380 Consecutive days**~~

~~Consecutive days may be partial or full work days and are distinguishable from calendar days.~~

~~For example, an employee is scheduled to work on Mondays, Wednesdays and Fridays. The employee uses paid sick time for any portion of those three work days in a row. If the employee uses paid sick time again on the following Monday, the employee would have used paid sick time for more than three consecutive days and could be required by his or her employer to obtain reasonable documentation from a health care provider.~~

SHRR 70 390 — Payment for documentation

~~(1) In general.~~ For any employee who is not offered health insurance by the employer, the employer and the employee shall each pay half the cost of any out of pocket expense incurred by the employee in obtaining the employer requested, reasonable documentation. These expenses are limited to the cost of services by health care professionals, the services of health care facilities, testing prescribed by health care professionals and transportation to the location where such services are provided. See SMC 14.16.030(E).

~~(2) Health insurance.~~ Employees who are offered insurance by the employer but do not meet eligibility requirements (e.g. hours per week, etc.) shall be considered as employees who are not offered health insurance by the employer.

~~(3) Out of Pocket Expense.~~ The out of pocket expenses for employer requested, reasonable documentation shall not be unduly burdensome for the employer or employee.

SHRR 70 400 — Documentation for clear instance or pattern of abuse

When there is a clear instance or pattern of abuse, an employer may require reasonable documentation to verify that an employee's use of paid sick/safe time is consistent with the Ordinance regardless of whether the employee has used paid sick/safe time for more than three consecutive days.

SHRR 70 410 — Relationship to other laws

~~(1) In general.~~ The Ordinance does not preempt, limit or otherwise affect the applicability of federal, state or other local laws that permit employers to make medical inquiries, including requests for more detailed information; require medical examinations; and/or require documentation for absences from work. See SMC 14.16.130.

~~(2) Medical inquiries, medical examinations and documentation.~~ When an employee provides notice, or an employer has reason to know, that use of paid sick/safe time is for a purpose covered by a

federal, state or other local law (e.g. direct threat to health and safety of others, family medical leave, reasonable accommodation, workplace injury, etc.), the employer may inform the employee of other legal requirements for medical inquiry, medical examination and documentation before the employee has used paid sick/safe time for more than three consecutive work days.

~~(3) **Employee response.** An employee's response to an employer's medical inquiry, request for medical examination or request for documentation may impact the employee's rights under a federal, state or other local law, but the employee shall retain the right to use paid sick/safe time under the Ordinance provided that he or she has met Ordinance requirements.~~

EMPLOYER NOTICE AND POSTING

SHRR 70-420 — Notice and posting requirements

~~(1) **In general.** Employers shall give notice in physical and/or electronic form of an employee's entitlement to paid sick/safe time; the amount of paid sick/safe time and the terms of its use guaranteed under the Ordinance; the prohibition of retaliation against employees who request or use paid sick/safe time; and each employee's right to file a complaint if paid sick time/safe time as required by the Ordinance is denied by the employer or if the employee is retaliated against for requesting or taking paid sick time or paid safe time. See SMC 14.16.050.~~

~~(2) **Tier size and employer location.** Except as provided in section three of this rule, employers shall provide notice to all employees who perform work in Seattle regardless of employer tier size or employer location.~~

~~(3) **Occasional basis.** Employers with employees who perform work in Seattle on an occasional basis are not required to provide notice to all employees, provided that notice is provided to occasional basis employees reasonably in advance of their first period of work in Seattle.~~

~~(4) **Conspicuous and accessible.** Employers may choose whether notice is physical and/or electronic, but in either case, the notice shall be reasonably conspicuous and accessible to employees.~~

~~(5) Penalties.~~ An employer who willfully violates the notice requirements of this section shall be subject to a civil fine in an amount not to exceed \$125 for the first violation and \$250 for subsequent violations.

EMPLOYER RECORDS

SHRR 70 430—Employer records requirement

Employers shall retain records for a period of two years that reasonably indicate employee hours worked, accrued paid sick/safe time and used paid sick/safe time. See SMC 14.16.060.

SHRR 70 440—Records of hours worked

~~(1) Seattle hours.~~ Employers that meet minimum Ordinance requirements for paid sick/safe time based on actual hours worked in Seattle must track and retain records of actual hours worked in Seattle starting on the date this Ordinance goes into effect, September 1, 2012.

a. Exempt employees

i. ~~Regular basis.~~ For exempt employees who work in Seattle on a regular basis, employers may retain records of hours worked for a part-time or full-time normal work week (up to 40 hours per week) rather than tracking actual hours worked in Seattle. The hours of a normal work week must be the actual basis for the employee's accrued and used paid sick/safe time.

ii. ~~Occasional basis.~~ For exempt employees who work in Seattle on an occasional basis, employers must retain records of actual hours worked in Seattle.

~~(2) Total hours.~~ Employers that meet minimum Ordinance requirements for paid sick/safe time regardless of hours worked in Seattle (e.g. employers with unlimited leave policies, employers of

occasional basis employees with leave policies commensurate with the Ordinance, etc.) may track and retain records of total hours worked rather than actual hours worked in Seattle.

- a. ~~**Exempt employees.**~~ For exempt employees, employers may retain records of total hours worked for a part time or full time normal work week (up to 40 hours per week) rather than tracking actual hours worked.

~~**SHRR 70 450 — Records for combined or universal leave**~~

- ~~(1) When an employer provides a combined or universal leave policy, such as a paid time off (PTO) policy, for a limited or unlimited amount of leave, the employer shall retain records for a period of two years that reasonably indicate employee hours worked, accrued leave and used leave.~~
- ~~(2) An employer providing a combined or universal leave, such as a paid time off (PTO) policy, is not required to maintain records showing employee reasons for use of the paid leave (e.g. vacation, paid sick/safe time, etc).~~

RETALIATION

~~**SHRR 70 460 — Individual and third party protection**~~

~~The Ordinance’s protections for exercise of rights and prohibition against retaliation shall extend to any person in the exercise or attempt to exercise any right protected under the Ordinance, including any person who has aided or encouraged another person in the exercise or attempt to exercise any right under the Ordinance.~~

~~**SHRR 70 470 — Absence control policies**~~

~~The Ordinance’s protections for exercise of rights and prohibition against retaliation shall apply in situations where an absence control policy, in writing or practice, counts paid sick/safe time covered~~

under the Ordinance as an absence that may lead to or result in any adverse action taken against the employee.

~~SHRR 70-480—Response to clear instance or pattern of abuse~~

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/safe time is not in good faith, such as a clear instance or pattern of abuse.

ENFORCEMENT

~~SHRR 70-490 Practice and procedures for enforcement of ordinance~~

~~(1) Investigations.~~ For specific enforcement practices and procedures, see Seattle Office for Civil Rights Rules (SHRR) Chapter 40.

~~(2) Appeals.~~ For specific appeals practices and procedures, see Seattle Human Rights Commission Appeals Rules (SHRR) Chapter 46.

WAIVER

~~SHRR 70-500 Collective bargaining agreement~~

~~(1) In general.~~

- a.—The provisions of the Ordinance shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms. See SMC 14.16.120.

b. ~~In the absence of clear and unambiguous terms that expressly waive Ordinance requirements in a collective bargaining agreement, employers must comply with the Ordinance's requirements for provision of paid sick/safe time when the Ordinance goes into effect on September 1, 2012.~~

~~(2) **Clear and unambiguous terms.** The terms that expressly waive Ordinance requirements shall be clear and unambiguous with explicit reference to the Ordinance.~~

~~(3) **In the collective bargaining agreement.** The terms that expressly waive Ordinance requirements shall be in the collective bargaining agreement as a provision within the agreement or as a separate addendum to the agreement, including a separate addendum to an agreement that is open for negotiation.))~~