

**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**

Emergency Rule, SHRR 70-080

Statement of Facts in Support of Emergency Action Pursuant to SMC 3.02.050

- A. On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus disease 2020 (COVID - 19).
- B. On March 3, 2020, Seattle Mayor Jenny Durkan issued a Proclamation of Civil Emergency for the City of Seattle due to the spread of COVID-19.
- C. On March 23, 2020, Governor Inslee imposed a “Stay Home – Stay Healthy” Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within certain limits as outlined in the Order.
- D. On April 4, 2020, the Washington State Department of Health confirmed 3,158 cases of COVID-19, including 208 deaths, in King County.
- E. The Seattle & King County Department of Public Health advises that those who are ill with common COVID-19 symptoms to stay home, and advises that those who are ill call their health care provider first before visiting.
- F. The Washington State Department of Health website states “people do not always need to be tested for clinical care purposes since there is currently no medication to treat COVID-19. Currently, anyone with a fever and cough should assume their illness could be COVID-19 and take steps to protect others in the community and household from the disease. If you are sick, you need to stay home and stay away from other people in your home.”
- G. While fever, cough, and shortness of breath are the most common symptoms of COVID-19, symptoms can vary widely and may also include fatigue, body aches, nasal congestion, sore throat, and sudden loss of smell or taste.
- H. Local public health officials have stated that doctors cannot test everyone for COVID-19, especially if they have mild symptoms or are asymptomatic, due to the limited number of tests available and the need to conserve resources such as personal protective equipment, in the anticipation of unprecedented strain on our health care system.
- I. Given the findings above, a requirement during this Civil Emergency to provide documentation from a healthcare provider to access paid sick leave constitutes an unreasonable burden for workers and our healthcare system.

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Emergency Rule Amendment: SHRR 70-080(4)

SHRR 70-080(4)

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.
 - c. Pursuant to SMC 3.02.050, OLS adopts the following emergency rule:
 - i. It shall be considered an unreasonable burden for employers to require verification from a health care provider. Employers must 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. Examples include, but are not limited to: 1) a worker's oral or written statement that their use of paid sick leave is for a covered purpose, or 2) documentation from other individuals, such as service providers, stating that, to their knowledge, the employee's use of paid sick leave is for a covered purpose. This rule does not prevent an employee from voluntarily using healthcare provider verification, such as a doctor's note obtained through telemedicine, if it is available to them. This Rule shall be in effect for a period of 60 days after filing with the City Clerk, until June 7, 2020.