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**Sample for Employers**

**Paid Sick and Safe Time Policy (PSST)**

*Note to employers: The Seattle Office of Labor Standards (OLS) created this sample policy to show employers the information that should be in a complete PSST policy.[[1]](#footnote-1) Employers may edit and personalize this policy according to their practices and size, so long as it meets ordinance requirements.*

*This model policy follows the structure of the* [*PSST Checklist*](http://www.seattle.gov/Documents/Departments/LaborStandards/PSST-Policy_Checklist-042216.pdf)*, another tool to help employers ensure their policy is on track with ordinance requirements.*

**Section I - Purpose of the PSST Ordinance; about PSST**

Seattle’s Paid Sick and Safe Time (PSST) Ordinance, [SMC 14.16](https://www2.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.16PASITIPASATI) requires employers to provide their employees working in Seattle with paid hours to take time off from work due to illness or a safety issue. Paid sick and safe time may be used for:

* An employee’s personal illness, injury or health condition, or to take care of a family member with an illness, injury or medical appointment. (Sick Time)
* Closure of the employee’s place of business or child’s school/place of care by order of a public official for health reasons. (Safe Time)
* For reasons related to domestic violence, sexual assault, or stalking–for the employee or a family or household member. (Safe Time)

For paid sick and for paid safe time, “family member” includes a spouse, registered domestic partner, child, parent, grandparent, and parent-in-law.

For paid safe time only, “household member” includes stepparents and stepchildren, grandchildren, current and former spouses and domestic partners, persons who have a child in common, adult persons related by blood or marriage, adult persons who have resided or are residing together, and persons 16 years of age or older who are or were residing together and who are or were in a dating relationship.

**Section II - Eligible employees**

Employers are required to provide paid sick and safe time for all employees working in Seattle, including full time, part time, temporary, and seasonal employees.

**Occasional Basis Employees**

Employees who are based outside of Seattle and work in Seattle on an occasional basis (i.e. ad-hoc, not regularly scheduled) are covered by the PSST ordinance, and may use PSST hours, after working in Seattle for more than 240 hours in a benefit year. At that point, employees may use all the PSST hours accrued during the first 240 hours in Seattle, and employees will continue to accrue and use PSST for all hours worked in Seattle during their tenure with that employer.

**Section III - Tier size; rate of accrual, use and carry-over;[[2]](#footnote-2) benefit year**

The amount of PSST hours that employees accrue depends on how many full time equivalent employees work for the employer worldwide.[[3]](#footnote-3) This employer is a **[insert Tier size]** employer, with the following accrual, use and carry over **[insert accrual, use and carry over language]**.[[4]](#footnote-4) PSST benefits are used and accrued based on a benefit year.[[5]](#footnote-5) This employer’s benefit year begins **[insert date]** and ends **[insert date]**. There is no cap on PSST accrual; there are only caps on use and carry over.

**Section IV – Method of notification of PSST balance**

Employers are required to notify employees of available paid sick and safe time each time wages are paid. This employer [**insert timing and method of notification, e.g. information from the employee’s pay stub**].

**Section V - Using PSST Hours and Rate of Pay**

An employer may impose a waiting period of up to 180 days after a new employee’s date of hire before that employee can use any accrued PSST hours. This employer [does not require a waiting period *or* imposes a waiting period of XXX days before a new employee can use any accrued PSST hours.] Employees may use PSST in increments of **[insert time increment]**.

**Hourly, non-exempt employees**: Employers must permit use of PSST in whichever is the smaller amount – either hourly increments or (if feasible by the employer's payroll system) increments that round to the nearest quarter of an hour (i.e. 15 minute increments).

* **Overtime exempt employees**:Employers may make deductions of PSST in accordance with state and federal law.

When using PSST, employees will be paid their regular rate of pay (i.e. the rate that they would have earned if they had shown up for work), but will not be entitled to lost commissions or tips. Payment for employees who earn tips and work for small employers under the Seattle minimum wage ordinance (500 or fewer employees worldwide) will meet requirements for minimum compensation using tips averaged over the entire pay period.

**Section VI - Reasonable notice requirements for requesting PSST**

To request PSST, an employee must follow the employer’s notice procedure for absences, including marking the timesheet accordingly. The employee does not have to ask specifically for PSST or disclose the nature of an illness or the specific reason related to a critical safety issue, but the employee does have to give the employer enough information to understand that the absence is for a PSST-qualifying reason. The employer will maintain the confidentiality of information provided by the employee or others regarding an employee's request for PSST.

* If the employee’s need for PSST is foreseeable (e.g. doctor appointment), the employee must make a written request to **[insert point of contact]** at least 10 days, or as early as possible, before the date of use.
* If the need for PSST is not foreseeable (e.g. unexpected illness), the employee must follow the call-out procedure **[insert procedure, including point of contact, method of communication]**. If circumstances prevent an employee from following the call-out procedure, an employee must provide notice as soon as possible. If the reason for the absence involves domestic violence, sexual assault, or stalking, the employee must provide oral or written notice no later than the end of the first day of using PSST.

**Section VII – Documentation requests from employer**

*Note to employers: Only include a section on documentation if it is part of your policy or practice.*

*Documentation is allowed by the ordinance, but not required.*

*Also, employers that do not offer medical benefits to employees must pay half the cost of obtaining the documentation*.

An employer may request documentation when an employee uses PSST in two circumstances:

1. When an employee uses PSST for more than three consecutive days, or
2. In a clear instance or pattern of abuse.

If the employer requests documentation that accrued PSST hours are being used for a reason that is covered by the law, the employee is not required to disclose the nature of the illness or other specific reason for the absence. The employer will maintain the confidentiality of information provided by the employee or others in support of an employee's request for PSST.

* For sick time: The employee must provide a signed statement by a health care provider indicating that sick time is necessary. If the employer does not offer health insurance, the employer must pay for half of the cost of the medical visit.
* For safe time: The supportingdocumentation must indicate that the employee or a family or household member is experiencing domestic violence, sexual assault, or stalking, and that the leave was taken for a purpose covered by the law. This could include a police report, a court order, or other documentation that the employee or the employee's family member is experiencing domestic violence, sexual assault, or stalking, including a written statement by the employee. For safe time related to closure of a child’s school or place of care, the employee may provide the notice of closure the employee received.

**Section VIII - Separation from employment**

If an employee is separated from employment and rehired within seven months, the employer must reinstate the employee’s PSST balance as of the date of separation.

Option to insert cash-out provision: The PSST ordinance neither requires nor prohibits cash-out of unused PSST hours. An employer may choose to offer cash-out of unused PSST at the end of the employer’s benefit year or upon separation from employment. If an employee chooses not to accept a cash-out offer, any unused PSST hours remain available to the employee if the employee returns to work with that employer within seven months of separation.

**Section IX - Retaliation prohibited**

The Seattle Office of Labor Standards (OLS) is responsible for enforcing this ordinance and ensuring that employees are not retaliated against for using Paid Sick and Safe Time. An employee who experiences a violation of PSST rights may file a complaint with OLS or bring a civil action. OLS also provides free technical assistance, brochures, posters and other resources. For more information from OLS, call 206-684-4500 or visit <http://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time>.

**Section X – Employer point of contact for PSST questions**

Employees with questions about Paid Sick and Safe Time benefits may contact **[Insert employer’s name and contact information]**.

1. Per Seattle Municipal Code Chapter 14.16, “Effective April 1, 2016, employers shall give employees written notice of the employer's policy and procedure for meeting the requirements of this Chapter 14.16, including but not limited to the employer's choice of benefit year; tier size; rate of accrual, use and carry-over of paid sick and paid safe time hours; manner of providing employees with an updated amount of available paid sick and safe time hours each time wages are paid; and notification requirements for absences and requesting leave. The Agency shall create and distribute a model policy that employers may use for complying with this subsection 14.16.045.C.” This document represents the model policy developed for this purpose. [↑](#footnote-ref-1)
2. **More generous policy:** An employer may choose to offer more generous rates of accrual, use and/or carry over than the minimum amounts required by the PSST Ordinance. [↑](#footnote-ref-2)
3. **Vacation and PTO:** An employer should modify the language in this paragraph and the policy if it offers a vacation or Paid Time Off (PTO) policy that employees can use for reasons covered by PSST. [↑](#footnote-ref-3)
4. **Tier sizes**

   **Tier One employers (more than 4 and up to 49 FTEs):** Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can use up to 40 hours of PSST each year and carry over up to 40 hours per benefit year.

   **Tier Two employers (50 to 249 FTEs):** Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can use up to 56 hours of PSST each year and carry over up to 56 hours per benefit year.

   **Tier Three employer (250 or more FTEs):** Employees accrue 1 hour of PSST for every 30 hours worked in Seattle. Employees can use up to 72 hours of PSST each year and carry over up to 72 hours of unused PSST annually.

   **Tier Three employer (250 or more FTEs) with PTO:** Employees accrue 1 hour of PSST for every 30 hours worked in Seattle. Employees can use up to 108 hours of PSST each year and carry over up to 108 hours of unused PSST annually. [↑](#footnote-ref-4)
5. **Benefit year**: The employer must define the benefit year. A benefit year is any fixed, consecutive 12-month period of time that is normally used by an employer for calculating wages and benefits, including calendar year (1/1 through 12/31); tax year, fiscal year, or contract year; or the year running from an employee's one-year anniversary date of employment. [↑](#footnote-ref-5)