



PSST & Secure Scheduling Amendments ♦ Effective January 14, 2018

PSST amendments apply the more generous requirements of Washington state paid sick leave (established by voter-passed, Washington Initiative 1433) to both hourly *and* overtime-exempt employees working in Seattle. These PSST amendments are effective on January 14, 2018; OLS will conduct rulemaking process to reflect the amendments in the following months. Please note that Washington state paid sick leave requirements, applying to employees working in Seattle who are covered by the Washington Minimum Wage Act (RCW 49.46), are effective on January 1, 2018. SS amendments clarify employer coverage in response to changes in federal NAICS codes.

Paid Sick and Safe Time

1. What changed in Seattle PSST to conform with statewide paid sick leave requirements?

Issue	2017 ♦ Seattle	2018 ♦ Seattle
Employer coverage – Tier 1 employers	Tier 1 employers have more than four FTES and less than 50 FTEs.	Tier 1 employers have <i>at least one employee</i> and less than 50 FTEs.
Employee coverage – Work study	There is a permissible exemption for employees working under a work study agreement.	There is <i>no exemption</i> for employees working under a work study agreement.
Employee coverage – Occasional basis employees	PSST covers employees who are typically based outside of Seattle and who work in Seattle on an occasional basis after the employee works more than 240 hours in Seattle in a year.	<i>The occasional basis threshold for PSST coverage will be defined in rules.</i> During rule development, the occasional basis threshold for coverage is 240 hours in a year per. *Note that occasional basis coverage only affects PSST requirements that are more generous than statewide paid sick leave.
Employee coverage – Waiver	Collective bargaining agreement (CBA) waivers are permitted.	<i>CBA waivers are permitted only through Dec. 31, 2018 (or expiration of CBA in effect as of that date) for PSST requirements that are more generous than statewide paid sick leave (e.g. tier 2 & 3 carry over, tier 3 accrual). Labor Organization must file waiver information with OLS.</i>
Family members	Family member includes Child (minor or dependent), Spouse, Registered Domestic Partner, Parent, Parent-in-law, Grandparent.	Plus <i>Child (of any age), Sibling, and Grandchild.</i>
Use	Caps on use of PSST are permitted.	Caps on use <i>are not permitted.</i>
Waiting period	Waiting period is 180 calendar days from start of employment.	Waiting period is <i>90 calendar days</i> from start of employment.

Increments of use –Hourly employees	Employees can use PSST in hourly increments or, if feasible by employer's payroll system, increments rounding to nearest 15 minutes.	Employees can use PSST in hourly or, if an employer's payroll system tracks compensation <i>in increments of less than one hour, in the smallest increment in which compensation is tracked.</i>
Rate of pay	Employers must pay the same hourly rate when an employee uses PSST. There is no right to lost tips or commissions.	Employers must pay <i>normal hourly compensation</i> . The term, <i>normal hourly compensation</i> will be defined in revised PSST rules.
Employer records	Employers must retain certain records for three years <ul style="list-style-type: none"> • Hours worked in Seattle • Accrued PSST • Used PSST. 	Employer records also must include <ul style="list-style-type: none"> • <i>PSST available for use</i> • <i>PSST donated to a co-worker through a shared leave program</i> • <i>PSST not carried over to the following year.</i>
Notifications	Each time wages are paid, employer must provide notification of PSST available for use.	Notification also must include <ul style="list-style-type: none"> • <i>PSST accrued</i> • <i>PSST reduced (e.g. used, donated).</i>
Notice and Posting – Written Policy	Employers must provide each employee with a written PSST policy describing the <ul style="list-style-type: none"> • Benefit year • Tier size • Accrual, use and carry-over • Manner of providing notification • Requirements for requesting leave. 	The written PSST policy also must include <ul style="list-style-type: none"> • <i>Employee's right to PSST</i> • <i>Prohibitions against retaliation.</i> If applicable, an explanation of <ul style="list-style-type: none"> • <i>Frontloading program</i> • <i>Verification requirements for use of PSST for more than three consecutive days</i> • <i>Shared PSST program (e.g. donation)</i> • <i>PTO program.</i>
Tier one and tier two new employer exemption	There is a two-year exemption from PSST requirements for <u>new</u> tier one and tier two employers.	There is a two-year exemption for new tier one and tier two employers <i>but only for PSST requirements that are more generous than statewide paid sick leave</i> (e.g. carry-over for tier two employers).
Breaks in service	PSST must be reinstated after a 7 month break in service for same employer.	PSST must be reinstated after a <i>12 month</i> break in service for same employer.
Frontloading	Frontloading is permitted in PSST Rules.	Frontloading is permitted, <i>but employer must still meet carry-over requirements.</i>
Cash-out	Cash-out is permitted.	Full cash-out is permitted at separation of employment; <i>end-of-year cash-outs can only include PSST balances in excess of carry-over requirements.</i>
Verification of absence – Cost	Sick = Employer may require reasonable documentation after more than three days of consecutive use of PSST.	Additional provision that <i>employer's requirements for verification may not result in an unreasonable burden or expense on the employee.</i>
Verification of absence – Abuse	Employers may ask for early verification if there is a clear instance or pattern of abuse. Employer must ask for verification before denying PSST.	<i>No early verification. Employer may withhold payment for paid sick leave that is not used for authorized purpose, but may not subsequently deduct those hours from an employee's unused paid sick leave hours during ongoing employment.</i>

Paid Sick and Safe Time

2. What parts of Seattle PSST remain more generous and/or different than statewide paid sick leave requirements?

Issue	2018 ♦ State	2018 ♦ Seattle
Employee coverage	Hourly employees	Hourly <i>and overtime exempt employees</i> (with a few limited exceptions, such as increments of use).
Accrual	One hour for every 40 hours worked	Tier Three Employers = <i>One for every 30 hours worked.</i>
Carry-over	40 hours	Tier Two Employers = <i>56 hours</i> Tier Three Employers = <i>72 hours</i> Tier Three Employers with PTO = <i>108 hours.</i>
Use	No cap on use	No cap on use. <i>Employees may have access to greater numbers of hours to use due to increased carry over requirements.</i>
Increments of use –Hourly employees	Employees can use paid sick leave in increments that are consistent with the employer's payroll system and practices, not to exceed one hour. Employers may apply to L&I for a variance from this requirement.	Employees can use PSST in hourly or, if an employer's payroll system tracks compensation in increments of less than one hour, in the smallest increment in which compensation is tracked. <i>The ordinance does not address variance.</i>
Rate of pay	Employers must pay <i>normal hourly compensation.</i>	Employers must pay <i>normal hourly compensation, which includes lost commission for hourly employees under state rules. Whether "normal hourly compensation" includes commissions for overtime-exempt employees, and lost tips for all employees will be defined in revised PSST rules.</i>
Notification	Employers must provide notification of PSST hours not less than monthly.	Employers must provide notification of PSST hours <i>every time that wages are paid</i> (which could be monthly or a shorter interval).
Tier one and tier two new employer exemption	No exemptions.	There is a two-year exemption for <u>new</u> tier one and tier two employers <i>but only for PSST requirements that are more generous than statewide paid sick leave</i> (e.g. carry-over for tier two employers).
Notice of Rights	Employers must notify each employee of their entitlement to paid sick leave, in written or electronic form.	Employers must display a <i>workplace poster created by OLS, in English and the primary language(s) of employee(s) at the workplace.</i>
Waiver	Collective bargaining agreement (CBA) waivers are prohibited under statewide paid sick leave requirements.	<i>Time-limited CBA waivers are permitted only for PSST requirements that are more generous than statewide paid sick leave</i> (e.g. tier 2 & 3 carry over, tier 3 accrual). <i>Waivers are permitted through Dec. 31, 2018 or through expiration of CBA in effect as of that date. Labor orgs must file waiver info with OLS.</i>

Secure Scheduling

1. What changed in Secure Scheduling?

Issue	2017 ♦ Seattle	2018 ♦ Seattle
Definitions – Food Services and Retail Establishments	Food services establishment = 722, 2012 NAICS Code Retail establishment = 441 through 453998, 2012 NAICS Code	Same numbers with reference to <i>2017 NAICS Codes and subsequent NAICS Codes.</i>