

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. **[Reserved]**

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.

SHRR 70-050 ACCRUAL

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 employee 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.

SHRR 70-230 EFFECTIVE DATE

These rules (Chapter 70) shall take effect on July 1, 2018.