



## Seattle Office of Labor Standards

### Summary ♦ 2018 Paid Sick and Safe Time (PSST) Requirements

All employees working in Seattle are entitled to PSST, including full time, part-time, temporary, and seasonal workers. Employees can use PSST hours to take paid leave from work to care for themselves or a family member for a physical or mental health condition, medical appointment, or a critical safety issue. The Office of Labor Standards (OLS) is the City of Seattle agency that administers the PSST ordinance by providing outreach, technical assistance and enforcement services to employees and employers.

Use this Summary of 2018 PSST Requirements for a quick overview of employer responsibilities and employee rights under the PSST ordinance. In addition, consult our [PSST Q&A document](#), [Employer Sample PSST Policy](#) and [PSST Policy Checklist](#) for additional guidance.

Issue	Requirement
<b>Important Dates</b>	<b>September 1, 2012</b> – Seattle PSST covers employees working for employers with more than four full-time equivalents (FTEs). <b>January 1, 2018</b> – Washington state paid sick leave covers hourly employees working in Seattle for employers of any size. <b>January 14, 2018</b> – Seattle PSST amendments cover all employees (e.g. hourly and overtime-exempt employees) working in Seattle for an employer of any size.
<b>Employee coverage</b>	All employees working in Seattle (e.g. hourly and overtime exempt employees).
<b>Employer coverage</b>	Any employer with at least one employee.
<b>Permitted Uses – Sick Time</b>	Mental or physical illness, injury, health condition, or medical appointment.
<b>Scope of Use – Sick Time</b>	Employees may use paid sick time for themselves or a child (of any age), spouse, registered domestic partner, parent, parent-in-law, grandparent, sibling, or grandchild.
<b>Permitted Uses – Safe Time</b>	<ul style="list-style-type: none"><li>• Domestic violence, sexual assault, or stalking;</li><li>• Closure of employee's workplace or child's school/place of care for critical safety issue (e.g. flu pandemic).</li></ul>
<b>Scope of Use – Safe Time</b>	Employees may use paid safe time for themselves, a family member, household member or roommate.
<b>Tier Size</b>	PSST rights and requirements depend on the size of the employer: <ul style="list-style-type: none"><li>• Tier One ➡ 1 employee-49 FTEs;</li><li>• Tier Two ➡ 50-249 FTEs;</li><li>• Tier Three ➡ 250+ FTEs.</li></ul>
<b>Accrual</b>	PSST accrual depends on the size of the employer: <ul style="list-style-type: none"><li>• Tier One &amp; Two ➡ Accrue PSST at 1 hour per 40 hours worked;</li><li>• Tier Three ➡ Accrue PSST at 1 hour per 30 hours worked.</li></ul>
<b>Carry-over</b>	PSST carry-over depends on the size of the employer: <ul style="list-style-type: none"><li>• Tier One ➡ 40 hours;</li><li>• Tier Two ➡ 56 hours;</li><li>• Tier Three ➡ 72 hours or 108 hours if employer has a PTO policy.</li></ul>
<b>Use</b>	Employer may not cap the total amount of accrued PSST an employee may use in a year.
<b>Waiting Period</b>	Employers may impose a 90-day waiting period from the start of employment, before an employee may use accrued PSST.
<b>Increments of use – Hourly Employees</b>	Employees can use PSST in the smallest increment in which compensation is tracked, not to exceed one hour.

<b>Rate of pay</b>	Employers must pay normal hourly compensation, which includes lost commissions for hourly employees.
<b>Verification of absence – Timing and Cost</b>	<ul style="list-style-type: none"> <li>• Employer may ask for verification that PSST is for a covered use after absences of <i>more than</i> three consecutive work days.</li> <li>• Employer's requirements for verification may not result in an unreasonable burden or expense on the employee. If the employer does not offer health insurance, employer and employee must split the cost of obtaining verification.</li> </ul>
<b>Breaks in service</b>	PSST must be reinstated after a 12 month break in service for same employer.
<b>Frontloading</b>	Frontloading of PSST hours in advance of accrual is permitted, but employers must frontload based on hours worked (adjusting the amount as necessary) and allow carry-over.
<b>Cash-out</b>	Cash-out is permitted at the end-of-year and at separation of employment. End-of-year cash-outs can only include PSST balances in excess of carry-over requirements; full cash-out is permitted at separation of employment.
<b>Notification</b>	Employers must provide notification of PSST hours every time that wages are paid, including: <ul style="list-style-type: none"> <li>• PSST available;</li> <li>• PSST accrued since last notice;</li> <li>• PSST reduced (e.g. used, donated) since last notice.</li> </ul>
<b>Notice and Posting – Workplace Poster &amp; Written Policy</b>	<ul style="list-style-type: none"> <li>• Employers must display a <a href="#">OLS workplace poster</a> in 11x17 size in a prominent place.</li> <li>• Employers must provide a written PSST policy; learn about policy details <a href="#">here</a>.</li> </ul>
<b>Waiver</b>	<b>Time-limited CBA waivers are permitted only for PSST requirements that are more generous than state paid sick leave</b> (e.g. tier 2 & 3 carry over, tier 3 accrual). Waivers are permitted through Dec. 31, 2018 or through expiration of CBA in effect as of that date. Labor organizations must file waiver information with OLS.
<b>Record keeping</b>	Three-year requirement for employers to retain records of: <ul style="list-style-type: none"> <li>• Employee hours worked in Seattle;</li> <li>• Accrued paid sick and paid safe time;</li> <li>• PSST available for use;</li> <li>• PSST donated;</li> <li>• PSST not carried over to the following year.</li> </ul>
<b>Retaliation Protections</b>	<ul style="list-style-type: none"> <li>• An employer may not discriminate or retaliate against an employee for good faith assertion of PSST rights.</li> <li>• Employers may not require employees to find a replacement worker to cover the hours during which the employee is on PSST.</li> <li>• Employers may not apply absence control policies to an employee's use of PSST.</li> </ul>
<b>Enforcement</b>	Employees may <a href="#">file a complaint</a> with OLS or a private lawsuit in court.