



Ideas and Information for the Workplace

Seattle's Paid Sick/Safe Leave Law

When does Seattle's paid sick/safe leave ordinance become effective?

- Proposed rules available for comment: March 2012
- Public hearings to discuss proposed rules: April 2012
- Rules finalized: May 2012
- **Effective Date:** **September 1, 2012**

Which employees are covered?

Employees are covered if they perform their work in the [City of Seattle](#) (the question of "telecommuters" has not yet been addressed). Any employee who performs work in Seattle on an occasional basis is covered if they perform more than 240 hours of work in a **calendar year** in Seattle.

- ✓ Covered employees who are included: traditional W-2 employees, temporary employees NOT employed by a staffing agency, part-time employees, and undocumented workers.
- ✓ Employees who are NOT included: individuals hired through a work-study program, temporary employees hired through a staffing agency, and independent contractors.

Which employers are covered?

Private sector employers who employ more than 4 full time equivalents (FTEs), including at least 1 employee who performs more than 240 hours of work in the [City of Seattle](#). Full time equivalent (FTE) defined: the number of hours worked for compensation that add up to one full-time employee based on 8 hour day/5 day week **OR** as full time is defined, in writing or in practice, by the employer.

- The total number of FTEs is based on the average number of FTEs paid per calendar week in the **preceding** calendar year. To determine the numbers of FTEs, all compensated hours of all employees must be counted – including; full time and part time employees, temporary employment, staffing agency employees' hours worked for the employer, and work performed **outside** of Seattle.



	Number of "FTEs"	Accrual Rate	Annual Usage Minimum (Employers may impose a maximum)	Carry Over Minimum (Employers may allow EEs to carry over more hours)
Exempt Employer	0-4 FTEs	N/A	N/A	N/A
Tier 1 Employer	4-49 FTEs	1hr/40 hours worked	40 hours	40 hours
Tier 2 Employer	50-249 FTEs	1hr/40 hours worked	56 hours	56 hours
Tier 3 Employer	250+ FTEs	1hr/30 hours worked	72 hours OR 108 hours for PTO programs	72 hours OR 108 hours for PTO programs

When do employees begin to accrue paid sick/safe time?

- September 1, 2012 for existing employees
- On the date employment begins for the new employee (after September 1, 2012)

When may employees begin to use their accrued paid sick/safe time?

- Employees may begin to use their accrued time on the 180th calendar day after the commencement of their employment (after September 1, 2012).
- Rehired Employees: if an employee is rehired within 7 months of separation by the same employer, the previous period of employment must be counted for purposes of determining the employee's eligibility to use accrued sick/safe time. The total time of employment used to determine eligibility must occur within 2 calendar years. Previously accrued but unused paid leave must be reinstated and the employee is entitled to use accrued sick/safe leave upon recommencement of employment.

Can employers provide a combined "PTO" policy? (NOTE: Employees may use all of their PTO time for vacation, without leaving a cushion for paid sick/safe time)

PTO policies are permitted as long as the following conditions are met:

1. Available paid leave must be available for the same purposes and under the same condition as set forth in the Seattle ordinance.
2. Paid leave is accrued at the rate consistent with Seattle law.
3. Use of the paid leave within any calendar year is limited to no less than the amounts specified earlier (see chart above).
4. Accrued but unused paid leave may be carried over consistent with the hours specified earlier (see chart above).



For what reasons must paid sick time be provided?

- Employee's mental/physical illness, injury, or health condition
- Employee's need for medical diagnosis, care, or treatment of such condition
- Employee's preventive medical care
- To allow the employee to provide care of family member for reasons noted above (family member = child, parent, grandparent, parent-in-law, spouse, or city/state registered domestic partner)

For what reasons must paid safe time be provided?

- Infectious agent or hazardous materials at business or a child's school
- Domestic violence, sexual assault, or stalking affecting employee or employee's family/household member

Notice and documentation requirements:

- ✓ **Foreseeable leave:** the employee must provide written notice at least 10 days in advance of paid leave unless the employer's normal policy required less advance notice.
- ✓ **Unforeseeable leave:** the employee must provide notice as soon as practicable and must generally comply with the employer's reasonable normal notification policy.
- ✓ If use of paid sick/safe time exceeds 3 consecutive days the employer may require reasonable documentation that leave was necessary.
- ✓ Employers must provide, in writing, an updated amount of available paid time to employees each time wages are paid.
- ✓ Employers must provide notice of paid sick/safe leave to those who are eligible (a poster and model notice will be provided by the Seattle Office for Civil Rights at a later date).
- ✓ Employers must keep the records regarding paid sick/safe leave for 2+ years.

Questions? Contact Allison Nickel at Albers & Company
allisonn@alberscompany.com or 253-596-0610