

PAID SICK LEAVE

In November 2016, Washington voters passed Initiative 1433, a paid leave law, which mandates that businesses operating within Washington State offer paid sick leave to eligible employees beginning January 1, 2018. Employers may offer a policy that provides the same or better provisions required by the law. The City of Seattle and the City of Tacoma have also passed ordinances related to paid sick leave.

The new law provides for paid sick leave for those employees in a congregation who are not eligible under current policy – most likely those working LESS than 20 hours, or .50 FTE, per week. Examples may be a paid church musician/organist, sexton, Sunday school director, or nursery worker. If a congregation already offers a paid sick leave policy to eligible employees that is more generous than what is outlined below, this DOES NOT replace that existing policy; it does change it from a benefit to a legal right.

Washington State: Under Initiative 1433, all employers in Washington must offer paid sick leave to non-exempt employees starting January 1, 2018. This covers all employees who perform work in the state of Washington, including part-time, temporary, and seasonal employees. Paid sick leave for non-exempt employees is no longer a benefit; it is a legal right. Employers may choose to extend paid sick leave to exempt employees; however, such leave would be a benefit that is not subject to this law.

City of Seattle: The City of Seattle enacted a Paid Sick Leave and Safe Time* (PSST) ordinance in 2012. It requires employers operating within the City of Seattle that have more than four full time (or equivalent) employees to provide sick leave and paid safe time* to both exempt and non-exempt workers. **Safe Time is described in the details below on the City of Seattle ordinance.*

City of Tacoma: The Tacoma Paid Sick Leave ordinance was amended in September 2017 to match the more generous standards set by the Washington Paid Sick Leave law effective January 1, 2018. However, the Tacoma ordinance covers both exempt and non-exempt employees, while the Washington leave law only applies to non-exempt employees.

Below you will find example policies and highlights. This is complex; if you have ANY paid employees that are not currently receiving paid sick leave, please read this closely and call or email with any additional questions: Canon Dede Moore, Canon for Governance & Human Resources, 206-325-4200, ext. 2022, dmoore@ecww.org.

EXAMPLE POLICY #1 (WASHINGTON STATE COMPLIANT)

**Example reflects the minimum required by law; employers may offer a policy that provides better provisions than required by the law.*

[Employer Name] provides paid sick leave benefits for periods of temporary absences. [Non-exempt OR All] employees accrue one hour of sick leave for every 40 hours of work beginning on their date of employment. Sick leave may be taken in increments of [smallest increment consistent with your payroll system].

DISCLAIMER: This information is general in nature and is meant as a best practices guide for congregations in the Diocese of Olympia. As such, it is not intended to be, nor should it be used as, legal or management advice. If you have a question about a specific situation, please speak with your congregation Chancellor, or contact Canon Dede Moore, Canon for Governance & Human Resources, dmoore@ecww.org, 206-325-4200, ext. 2022.

Accrued leave may be used after 90 days of employment. Written requests for time off must be submitted to [clergy person/supervisor] at least 10 days in advance for planned or foreseeable absences, or as soon as practicable for unforeseen situations.

Sick leave benefits may be used (1) to take leave for your own health condition (2) to take leave if you are a victim of domestic violence, sexual assault, or stalking; or you have a family member who is a victim of domestic violence, sexual assault or stalking (3) to take leave when the company is closed by order of a public official or any health-related reason, or to care for a child due to a school or daycare closure for such reason. Family member is defined as child, parent, spouse, registered domestic partner, grandparent or grandchild, and sibling.

You may be required to provide verification for absences beyond three consecutive days.

The amount of sick leave available is recorded each payday on [your pay stub or other electronic record keeping system]. Sick leave is paid at your regularly scheduled pay rate. Unused sick leave benefits may be carried over each year, up to 40 hours. Unused sick leave benefits are forfeited upon termination of employment. Should you be rehired within 12 months after separating from [Employer Name], your previous employment will be counted towards the eligibility waiting period and any forfeited paid leave will be restored.

Retaliation for using paid sick leave for allowed purposes is prohibited.

EXAMPLE POLICY #2 (CITY OF SEATTLE PAID SICK AND SAFE AND WASHINGTON STATE LEAVE COMPLIANT)

**Example reflects the minimum required by law; employers may offer a policy that provides better provisions than required by the law.*

[Employer Name] provides paid sick leave benefits for periods of temporary absences. All employees accrue one hour of sick leave for every [40**] hours of work per year beginning on the date of employment. Leave may be taken in [smallest increment consistent with your payroll system] increments. We are a Tier [Indicate 1, 2 or 3] employer.

Accrued leave may be used after 90 calendar days of employment. Written requests for time off must be submitted to [clergy person/your supervisor] at least 10 days in advance for planned or foreseeable absences, or as soon as practicable for unforeseen situations.

Sick leave benefits may be used (1) to take leave for your own health condition or to care for a family member with a health condition (2) to take leave if you are a victim of domestic violence, sexual assault, or stalking; or you have a family member who is a victim of domestic violence, sexual assault or stalking (3) to take leave when the company is closed by order of a public official or any health-related reason, or to care for a child due to a school or daycare closure for such reason. Family member is defined as child, parent, spouse, registered domestic partner, grandparent or grandchild, and sibling.

You may be required to provide verification for absences beyond three consecutive days.

The amount of sick leave available is recorded each payday on [your pay stub or other electronic record keeping system]. Sick leave is paid at your normal hourly compensation. Unused sick leave benefits may be carried over each year, up to [40**] hours. Unused sick leave benefits are forfeited upon termination of employment. Should you be rehired within twelve months after separating from

[Employer Name], your previous employment will be counted towards the eligibility waiting period and any forfeited paid leave will be restored.

Retaliation for using paid sick leave for allowed purposes is prohibited.

***based on Tier of employer; see City of Seattle ordinance for details.*

EXAMPLE POLICY #3 (OFFICE OF THE BISHOP PERSONNEL MANUAL - UPDATED)

Sick Leave

Except as provided under personal leave, accumulated sick leave is intended to cover periods of temporary absence for bona fide cases of accident or illness.

a. Regular Employees

Sick leave accrues from the first day of employment for all regular employees scheduled to work 20 or more hours per week. Accrued sick leave may be taken after 30 calendar days of employment.

- 1) Full time employees accrue one day of sick leave for each month of employment and may accumulate a maximum of 45 days sick leave.
- 2) The accrual of sick leave and maximum accumulation of sick leave for eligible part time employees is pro-rated according to the amount of time worked each month.
- 3) Sick leave may be used in the following situations:
 - a) If the employee is ill, injured or temporarily disabled and physically unable to perform his or her work; or
 - b) If the employee's spouse, registered domestic partner, child, parent, parent-in-law, grandparent or other close relative or individual is ill, injured or temporarily disabled, and the employee's presence is necessary; or
 - c) Doctor or dental appointments (non-exempt employees only); or
 - d) When the office is closed by order of a public official or any health-related reason; or
 - e) To care for a child due to a school or daycare closure ordered by a public official to limit exposure to hazardous materials; or
 - f) Reasons related to domestic violence, sexual assault, or stalking.
- 4) Sick leave taken is charged against accruals by the hour for non-exempt employees and by the day for exempt employees for any day that sick leave exceeds four hours.
- 5) Employee may be required to provide verification for absences beyond three consecutive days.
- 6) Holidays falling within an absence for illness will not be charged against sick leave.
- 7) Upon termination of employment for any reason other than misconduct or deficiency in performance, each employee will receive additional pay equal to five percent of the employee's accrued, unused sick leave, up to \$500, computed at the normal rate of pay at time of termination.

b. Employees under 20 hours per week / Temporary Employees / Seasonal Employees

Employees working less than 20 hours per week and temporary or seasonal employees accrue leave according to the City of Seattle Paid Sick & Safe ordinance and Washington State Leave law. Sick leave accrues from the first day of employment; accrued sick leave may be taken after 90 calendar days of employment.

- 1) Employees accrue one (1) hour of sick leave for every forty (40) hours of work; leave may be taken in one (1) hour increments. We are a Tier 1 employer. Employees may carry over up to 40 hours of unused sick leave each year, up to cumulative maximum of 40 hours total.
- 2) Sick leave benefits may be used (1) to take leave for your own health condition or to care for a family member with a health condition (2) to take leave if you are a victim of domestic violence, sexual assault, or stalking; or you have a family member who is a victim of domestic violence, sexual assault or stalking (3) to take leave when the company is closed by order of a public official or any health-related reason, or to care for a child due to a school or daycare closure for such reason.
- 3) The amount of paid sick leave that can be used in a calendar year is limited to 40 hours.
- 4) Employee may be required to provide verification for absences beyond three consecutive days.
- 5) Holidays falling within an absence for illness will not be charged against sick leave.
- 6) Sick leave is paid at the employees' normal hourly compensation rate.
- 7) Unused accrued sick leave benefits are forfeited upon termination. Should you be rehired within twelve months after separating from the Office of the Bishop, your previous employment will be counted towards the eligibility waiting period and any forfeited paid leave will be restored.

WASHINGTON STATE PAID SICK LEAVE – HIGHLIGHTS & BEST PRACTICES

In November 2016, Washington voters passed a paid leave law covering businesses operating within Washington State to offer paid sick leave to eligible employees.

WHEN DOES THIS LAW TAKE EFFECT? January 1, 2018

WHICH EMPLOYERS ARE COVERED? All employers doing business in the state of Washington.

WHICH EMPLOYEES ARE ELIGIBLE FOR PAID SICK LEAVE? Non-exempt employees who perform work in the state of Washington, including part-time, temporary, and seasonal employees. The paid sick leave initiative amended the Washington Minimum Wage Act, so it applies only to those employees who are not exempt from Washington's minimum wage and overtime requirements. Paid sick leave for non-exempt employees is no longer a benefit; it is a legal right. Employers may choose to extend paid sick leave to exempt employees; however, such leave would be a benefit that is not subject to this law.

WHAT IS "PAID SICK LEAVE"? Paid sick time means an employee's absence from work due to mental or physical illness, injury or health condition to accommodate the employee's need for medical diagnosis, care, or treatment of mental or physical illness, injury or health condition or an employee's need for preventive medical care. Time off also includes needed leave to care for a family member as allowed and defined under the Washington Family Care Act.

HOW MUCH PAID LEAVE MUST BE AWARDED?

1. Employers must provide employees with a minimum of one hour of paid leave for every 40 hours worked within the state, including overtime hours worked.
2. Employers may choose to award 1 hour of paid leave after an employee has worked 40 hours (whether in one week or across several weeks), or .025 hours of paid leave for each hour worked.

MAY PAID LEAVE BE FRONT-LOADED AT THE BEGINNING OF THE YEAR?

1. Paid leave may be front-loaded at the beginning of the year provided such front-loading meets or exceeds the accrual, use, and carryover of paid leave required by the Act. Employers who choose to front-load must periodically audit hours worked to ensure that sufficient paid leave is awarded. Front-loading paid leave does not eliminate the carryover requirement.
2. For front-loading and carryover purposes, employers may define the year as any 12-month period. If the employer does not otherwise define it, the law defines it as a calendar year.

WHEN DOES THE ACCRUAL START FOR EACH EMPLOYEE?

1. Accrual of paid time begins at the start of employment or the date this law takes effect, whichever is later. Employers that define a leave year other than a calendar year must still comply beginning January 1, 2018.
2. Employers must provide regular notification to employees regarding their available paid time accrual.

HOW SOON CAN AN EMPLOYEE USE THE ACCRUED PAID TIME? Paid time accrued can be taken after 90 calendar days of employment. Unless employers allow a more generous use policy, any absences before 90 calendar days of employment are not protected by this law.

HOW MUCH UNUSED PAID LEAVE CAN BE CARRIED OVER INTO THE NEXT YEAR? Employers must allow employees to carry over 40 hours of accrued and unused hours to the following year. Employers can choose to provide a more generous carryover allowance. Frontloading paid leave does not eliminate the carryover requirement.

CAN THE EMPLOYER SET A CUMULATIVE MAXIMUM TOTAL OF PAID LEAVE HOURS? Accrual of paid sick leave may not be capped, and employees must accrue paid sick leave for all hours worked, including overtime hours. Employers may provide employees with a more favorable paid sick leave accrual rate.

HOW MUCH PAY MUST THE EMPLOYEE RECEIVE? Employees must be paid the greater of the minimum wage or their normal hourly compensation. Normal hourly compensation is the hourly rate than an employee would have earned for the time during which the employee used paid sick leave. Normal hourly compensation does not include tips, gratuities, service charges, holiday pay, overtime rates, or other premium rates, unless otherwise required by company policy or collective bargaining agreement. Normal hourly compensation does include shift differentials.

HOW CAN EMPLOYEES USE THEIR PAID TIME OFF? Employees may use paid sick leave for hours they are scheduled to work, for the following reasons:

1. To take leave for their own health condition or to care for a family member with a health condition. Family member is defined as:
 - a. Child (regardless of age or dependency status) includes biological children, adopted children, foster children, stepchildren, children to whom the employee is in “loco parentis”, children to whom the employee is a legal guardian, and children to whom the employee is a “de facto” parent.
 - b. Parent includes biological parent, adoptive parent, foster parent, stepparent, person who stood in “loco parentis when employee was a minor child, legal guardian, and “de facto”parent.
 - c. Spouse

- d. Registered domestic partner
 - e. Grandparent and Grandchild
 - f. Sibling
2. To take leave if they are a victim of domestic violence, sexual assault, or stalking; or they have a family member who is a victim of domestic violence, sexual assault or stalking. Family member is defined as spouse, domestic partner, former spouse, former domestic partner, persons who have a child in common regardless of whether they have been married, adult person related by blood or marriage, or who are household members or former household members. It includes persons who are 16 years of age or older who are presently residing together, or who have resided together in the past and who have or have had a dating relationship, and persons who have a biological or legal parent-child relationship including stepparents and stepchildren and grandparents and grandchildren.
 3. To take leave when the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

IS THE MANDATORY PAID TIME IN ADDITION TO AN EXISTING PTO (PAID TIME OFF) POLICY? No, provided the existing PTO policy allows employees to enjoy the same or better provisions as required by this Act.

IS THE MANDATORY PAID TIME IN ADDITION TO AN EXISTING VACATION POLICY? It depends. If an employer currently uses a universal Paid Time Off ("PTO") program or vacation policy that allows use for any purpose, AND the program satisfies the Paid Leave provisions with regard to accrual, carryover, payment, and access to leave, then an employer need not provide paid time in addition. If, for example, an employee uses all of the employee's universal PTO time for purposes other than those that qualify for Paid Leave and the need for Paid Leave arises later, the employer need not provide additional paid time if its universal PTO or vacation program meets the above qualifications under the Paid Leave law.

CAN AN EMPLOYER REQUIRE ADVANCED NOTICE OF A PAID LEAVE REQUEST FROM THE EMPLOYEE?

1. An employer may require employees to give reasonable notice of an absence from work as long as such notice does not interfere with an employee's right to use the paid sick leave.
2. For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose.
3. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.
4. Verification requirements may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

DOES THE EMPLOYER NEED TO ADVISE EMPLOYEES ABOUT THEIR RIGHTS AND OBLIGATIONS UNDER THE STATE PAID LEAVE LAW?

1. Employers must notify each employee of the employee's entitlement to paid sick leave, the rate at which the employee will accrue paid sick leave, the authorized purposes under which paid sick leave may be used, and that retaliation by the employer for the employee's lawful use of paid sick leave and other rights is prohibited.

2. Employers must provide such notification in written or electronic form, and must make this information readily available to all employees. For employees hired on or after January 1, 2018, notification of an employee's paid sick leave rights must be made no later than the commencement of employment. For existing employees as of January 1, 2018, the employer must make notification to the employee of the employee's paid sick leave rights no later than March 1, 2018.
3. Not less than monthly, employers must provide each employee with written or electronic notification detailing the amount of paid sick leave accrued and the paid sick leave reductions since notification was last made, and any unused paid sick leave available for use by the employee. Employers may satisfy the notification requirements by providing this information in regular payroll statements.

MUST AN EMPLOYER PAY FOR UNUSED ACCRUED TIME UPON THE EMPLOYEE'S SEPARATION OF EMPLOYMENT?

1. No. Unused paid time may be forfeited. If an employee leaves employment and is rehired within 12 months of separation by the same employer, any previously unused accrued paid leave must be reinstated, and the previous employment period must be counted for purposes of determining the employee's eligibility to use paid sick leave.
1. Employers may choose to pay unused accrued time upon separation of employment. However, the employee must mutually agree to such payout and any agreement should be signed by the employer and separating employee.

CAN AN EMPLOYER CASH OUT UNUSED TIME AT THE END OF THE ACCRUAL YEAR? Unused paid sick leave of 40 hours or less must be carried over to the following year. Leave in excess of 40 hours may be cashed out annually or in accordance with company policy.

CAN THE EMPLOYER REQUIRE THE EMPLOYEE TO MAKE UP THE MISSED TIME?

1. No. The paid leave is considered protected leave. The employer cannot penalize or retaliate against an employee for taking mandated paid leave.
2. The employer cannot require, as a condition of an employee taking paid sick leave, that the employee find a replacement worker to cover the hours absent.

HOW DOES THIS AFFECT ATTENDANCE POLICIES OR INCENTIVES? The new law protects employees from retaliation for lawfully using paid sick leave. Absences that are protected by the new law may not be counted under attendance policies where "points" are given for unscheduled absences. Similarly, incentive or bonuses for perfect or "good" attendance would prove retaliatory if denied to employees as a result of exercising their rights to use paid sick leave for authorized purposes. Absences for any reasons not protected by this or any other law (e.g., FMLA or ADA) may be counted under attendance policies. After all paid sick leave has been used, any future absences are not protected by this law.

HOW DOES THIS APPLY TO EMPLOYEES COVERED BY LOCAL PAID LEAVE REQUIREMENTS? Employees subject to multiple protected leave laws are entitled to the more generous provisions of any applicable leave requirement.

ARE THERE RECORDKEEPING REQUIREMENTS? Employers are required to keep and preserve 1) paid sick leave accruals each month and unused paid sick leave available for use by an employee, 2) paid sick leave reductions each month including, but not limited to, paid sick leave used by an employee,

paid sick leave donated to a co-worker through a shared leave program, and paid sick leave carried over to the following year, and 3) the date of commencement of the employee's employment.

HOW IS THIS LAW ENFORCED? Any complaint filed with Washington Labor & Industries alleging failure to provide paid sick leave will be investigated as an alleged violation of a wage payment requirement. Employees who believe that they were subject to retaliation by their employer may file a complaint with L&I within 180 days of the alleged retaliatory action. L&I may investigate the complaint and, if applicable, provide the employer up to 30 days to take correction action. If the investigation finds that the employer retaliated against an employee, civil penalties of up to \$20,000 may be assessed for the first violation, and \$40,000 for each repeat violation.

SEATTLE PAID SICK TIME AND PAID SAFE TIME ORDINANCE – HIGHLIGHTS & BEST PRACTICES

In 2011, the Seattle City Council passed an ordinance requiring businesses operating within the City of Seattle to offer paid sick time and paid safe time for their employees. On January 1, 2018, Washington State's Paid Sick Leave law went into effect. The provisions of Seattle's ordinance are being amended to align with the state law. Where the two laws conflict, the law which provides the more generous benefit to the employee will govern. Here are important highlights of the Seattle Paid Sick and Safe Time ordinance (PSST), as amended:

WHEN DID THIS ORDINANCE TAKE EFFECT? September 1, 2012.

WHICH EMPLOYERS ARE COVERED?

1. All employers who have one or more full time (or equivalent) employees.
 - a. Employees who work for the employer, but do not work in Seattle are counted in this total.
 - b. Temporary employees are counted, as well as employees of a third-party staffing agency who provide services and log compensated hours to the employer.
 - c. Full-time equivalent means the number of paid hours that add up to one full time employee based on a 40-hour workweek. For example, two part-time employees each working 20 hours every week is the equivalent of one full time employee.
2. State, federal and county governments are exempt.
3. New businesses with less than 250 employees can be exempt temporarily for a period up to 24 months commencing from the hire date of their first employee. This exemption applies only to the PSST provisions which are more generous than Washington State's Paid Leave law provisions.

WHICH EMPLOYEES ARE ELIGIBLE FOR PAID SICK LEAVE AND PAID SAFE TIME?

1. Employees who perform their work in Seattle.
2. Employees who perform work on an "occasional basis" in Seattle are covered if they perform more than 240 hours of work in Seattle in a benefit year. Once this requirement is met, the employee is covered for the duration of employment. (Due to the passage of the State's Paid Leave law, the concept of "occasional basis" is currently being reconsidered through a rulemaking process.)
3. Employers are permitted to have employees wait up to 90 calendar days from their hire date to access available time off.

4. Employees of temporary staffing agencies will receive their paid leave benefit through their staffing agency and not the organization in which they are placed. However, if the temporary employee is hired by the organization, any unused paid leave accrued through the agency for hours worked at the organization must be assumed by the employer.

WHAT IS "PAID SICK TIME"? Paid sick time means an employee's absence from work due to mental or physical illness, injury or health condition, to accommodate the employee's medical situation, or for preventative medical care. Time off also includes needed leave to care for a family member.

WHAT IS "PAID SAFE TIME"? Paid safe time includes absences: (1) when a public official closes the employer's place of business for public safety reasons; (2) to accommodate day care or school closures when ordered by a public official for health-related reasons; and (3) for reasons of domestic violence, sexual assault or stalking as set forth under RCW Chapter 49.76.

HOW MUCH PAID LEAVE (TO BE USED AS EITHER SICK TIME OR SAFE TIME) MUST BE AWARDED? The amount of paid time off varies depending upon the size (employee count) of the employer, under a three-tiered matrix:

1. Tier One: Businesses with 1 to 49 employees must allow employees to accrue paid time at a rate of one hour for every 40 hours of work. Tier One employees are entitled to carryover a maximum amount of 40 hours of unused time into the following year.
2. Tier Two: Businesses with 50 to 249 employees must allow employees to accrue paid time at a rate of one hour for every 40 hours of work. Tier Two employees are entitled to carryover a maximum amount of 56 hours of unused time into the following year.
3. Tier Three: Businesses with 250 or more employees must allow employees to accrue paid time at a rate of one hour for every 30 hours of work. Tier Three employees are entitled to carryover a maximum amount of 72 hours of unused time into the following year. NOTE: Tier Three employers with a PTO plan must allow employees to carryover a maximum amount of 108 hours of unused time into the following year.
4. Accruals for exempt employees are based upon a 40-hour work week. For exempt employees, no hours are required to accrue beyond the normal workweek of 40 hours. If the exempt employee's normal workweek is less than 40 hours, paid leave accrues based upon that employee's normal work week. (State law does not apply to exempt employees.)

WHAT IS THE SMALLEST PAID TIME INCREMENT AN EMPLOYEE MAY TAKE?

1. Time may be used in the smallest increment in which compensation is tracked. Unless the employer uses timeclock rounding to the nearest quarter-hour, this may be less than 15-minute increments.
2. Employers may use an employee's available paid sick and paid safe time to round up or down, if necessary to prevent any attendance policy from counting paid sick or paid safe leave as an absence that may result in adverse action taken against the employee.

WHEN DOES THE ACCRUAL START FOR EACH EMPLOYEE?

1. Accrual of paid time begins at the start of employment.
2. Each time wages are paid, the updated amount of accrual must be recorded on each payroll stub, or by another written method, which may include an online system.

HOW SOON CAN AN EMPLOYEE USE THE ACCRUED PAID TIME?

1. The paid time accrued can be taken after 90 calendar days of employment. There is no cap on use during the leave year.
2. If an employee leaves employment and is rehired within 12 months of separation by the same employer, the employee's previous employment must be counted towards the eligibility waiting period.

HOW IS THE 12-MONTH BENEFIT PERIOD DETERMINED?

1. The "Benefit Year" means any fixed, consecutive 12-month period of time that is normally used by an employer for calculating wages and benefits. Employer may choose one of the following:
 - a. Calendar year (January 1 through December 31)
 - b. Tax year
 - c. Fiscal year
 - d. Contract year
 - e. Employee's anniversary year (running from date of employment)

CAN THE EMPLOYER SET A CUMULATIVE MAXIMUM TOTAL OF PAID LEAVE HOURS? No. There is no cap on the number of hours an employee can accrue during a 12-month period based on "hours worked". There is a maximum carryover amount, but an employee may use all hours accrued within a 12-month period.

HOW MUCH PAY MUST THE EMPLOYEE RECEIVE? Employees must be paid their normal hourly compensation and with the same benefits as the employee would have earned during the time the paid leave is taken. Pay does include shift differentials and commissions, but does not include lost tips for not having worked. The term "normal hourly compensation" will be defined in the revised PSST rules.

HOW CAN EMPLOYEES USE THEIR PAID TIME OFF?

1. To take leave for their own health condition or to care for a family member with a health condition. Family member is defined as parent, spouse, registered domestic partner, grandparents, grandchild, parent-in-law, child, or sibling.
2. To take leave if they are a victim of domestic violence, sexual assault, or stalking; or they have a family member who is a victim of domestic violence, sexual assault or stalking. Family member is defined as spouse, domestic partner, former spouse, former domestic partner, persons who have a child in common regardless of whether they have been married, adult person related by blood or marriage, or who are household members or former household members. It includes persons who are 16 years of age or older who are presently residing together, or who have resided together in the past and who have or have had a dating relationship, and persons who have a biological or legal parent-child relationship including stepparents and stepchildren and grandparents and grandchildren.
3. To take leave to care for a child due to a school or daycare provider closure ordered by a public official for health-related reasons.
4. For leave incurred when the employee's place of business is closed by order of a public official for public safety reasons.

IS THE MANDATORY PAID TIME IN ADDITION TO AN EXISTING PTO (PAID TIME OFF) POLICY?

1. No, provided the existing PTO policy allows employees to enjoy the same or better provisions as required by this ordinance.
2. As stated above, Tier Three employers must permit employees to carryover up to 108 hours of unused PTO leave to the following year.

IS THE MANDATORY PAID TIME IN ADDITION TO AN EXISTING VACATION POLICY? Not necessarily, employers may permit use of other paid leave (e.g., vacation, personal days) to meet the paid leave requirements, as long as employees enjoy the same or better provisions as required by this ordinance. Employers who wish to adopt this method of compliance are advised to insert the following language in their vacation or personal day policies, “employees may use vacation (personal days) for Seattle paid sick and safe leave reasons.”

CAN AN EMPLOYER REQUIRE ADVANCED NOTICE OF A PAID LEAVE REQUEST FROM THE EMPLOYEE?

1. If the paid leave is foreseeable, an employer can require at least 10-days advance written request, unless the employer’s policy requires less advance notice. The employee must make a reasonable effort to schedule leave in a way that does not unduly disrupt business operations.
2. If the paid leave is unforeseeable, the employee must provide notice as soon as is practicable.
3. Employees must comply with an employer’s customary and normal notification policies or call-in procedures.
4. If the leave is more than three consecutive days, the employer can require verification that the absence was used for an authorized sick leave purpose. The employer’s requirements for verification may not result in an unreasonable burden or expense on the employee. If the employer does not provide health insurance, the employer must share half of out-of-pocket costs incurred by seeking the requested documentation.

DOES THE EMPLOYER NEED TO ADVISE EMPLOYEES ABOUT THEIR RIGHTS AND OBLIGATIONS UNDER THE SEATTLE CITY ORDINANCE? Yes. Employers need to notify employees about provisions of the Seattle City Ordinance through one or more of the following ways:

1. Including a paper or electronic copy of information in employee handbooks or other written guidance. Employers must give employees specific written notice of the employer’s paid sick and safe leave policy and include (1) employer’s choice of benefit year, (2) tier size, (3) rate of accrual, (4) use and carry-over of hours, (5) manner in which employees are provided an updated amount of available paid sick and safe time hours each time wages are paid, (6) notification requirements for absences and leave requests, and (7) notice of no retaliation for use of PSST.
2. Distributing a notice to each new employee at the time of hire.
3. Displaying a poster created by the Seattle Office of Labor Standards (OLS) in a conspicuous and accessible place in the workplace.
4. Each time wages are paid, employers must provide notification of PSST accrued and used.

MUST AN EMPLOYER PAY FOR UNUSED ACCRUED TIME UPON THE EMPLOYEE’S SEPARATION OF EMPLOYMENT?

1. No. Unused paid time under the City of Seattle ordinance may be forfeited.

2. Employees rehired by the same employer within 12 months of separation of employment are entitled to have any forfeited paid time restored. If reemployment occurs beyond 12 months of separation, any right to unused paid time is lost.

CAN THE EMPLOYER REQUIRE THE EMPLOYEE TO MAKE UP THE MISSED TIME?

1. No. However, under a mutual agreement between the employer and the employee the employee may work additional hours during the same or next pay period without using available sick time.
2. The paid leave is considered protected leave. The employer cannot penalize or retaliate against an employee for taking mandated paid leave. All paid leave policies must include an anti-retaliation clause, such as: "Retaliation for using paid sick leave for allowed purposes is prohibited."

ARE THERE RECORDKEEPING REQUIREMENTS? Employers are required to keep and preserve 1) paid sick leave accruals each month and unused paid sick leave available for use by an employee, 2) paid sick leave reductions each month including, but not limited to, paid sick leave used by an employee, paid sick leave donated to a co-worker through a shared leave program, and paid sick leave carried over to the following year, and 3) the date of commencement of the employee's employment.