

Washington Passes Statewide Paid Sick Leave Legislation

Voters in Washington state have approved Initiative 1433 which requires that all employers provide paid sick leave to all employees. Three local jurisdictions in Washington — Seattle, Spokane, and Tacoma — already mandate paid sick leave. Washington becomes the seventh state to enact a statewide paid sick leave law, joining Arizona, California, Connecticut, Massachusetts, Oregon, and Vermont.

Eligibility

The law goes into effect on January 1, 2018. The provisions of the law do not preclude any of the local jurisdictions from enacting their paid sick leave requirements. This means that any city or local ordinance in place remains in full effect and employers must comply with whichever law is most favorable to employees.

Leave accrual and carryover

- All employees, regardless of status, including full-time, part-time, and temporary, will begin accruing paid sick leave beginning January 1, 2018, or upon hire, whichever is later.
- Employees must accrue sick leave at a rate of at least one hour for every 40 hours worked.
- There is no accrual cap. Employers cannot limit the number of hours an employee can accrue in a 12-month period.
- Employers may require a 90-day waiting period after date of hire for employees to use accrued sick leave.
- Up to 40 hours of unused paid sick leave will carry over to the following year.
- An employer may choose to front-load or grant a lump sum of sick leave entitlement so long as the front-loaded amount is sufficient to meet the requirements of the law.

What sick leave can be used for

Employees will be able to use accrued sick leave for the following reasons:

- To deal with their own illness, injury, or health condition, including diagnosis, treatment, care, and preventive medical care;
- To care for a family member's illness, injury, or health condition, including diagnosis, treatment, care, and preventive medical care;
- When an employee's place of business or an employee's child's school or place of care is closed by a public health official for any health-related reason; or
- For qualified absences under the state's domestic violence leave law.

A family member is defined as

- Child (including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status);
- Parent (including biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child);
- Spouse;
- Registered domestic partner;

- Grandparent;
- Grandchild; or
- Sibling.

Requesting sick leave

Employees will provide reasonable notice when the need for sick leave is foreseeable. Employers may not require that employees find a replacement worker to cover the hours during which they are using sick leave.

Employers may request reasonable verification from an employee when their use of sick leave is for an authorized purpose exceeding three days.

Notice and recordkeeping requirements

Employers must provide regular notification to employees about the amount of paid sick leave available to them.

Next steps for employers

- You must comply with these changes by January 1, 2018.
- Start thinking about updating your employee handbooks with this new policy:
 - If you have not previously offered sick leave to employees, you will be required to do so and should create a new policy to comply with these provisions.
 - If you already provide sick leave, review your current policies to make sure they comply with the provisions of the new law.
 - If you already provide all employees with sick or paid time off (PTO) benefits that exceed the requirements of the law, you do not need to implement a new policy, but may need to adjust your policy to allow a carryover to comply with the state regulations.
- Work with your payroll provider to determine how to comply with recordkeeping provisions; if HR Knowledge is your payroll provider, please contact your Client Account Manager.
- If you are one of our full-service clients, we will work with you to review your current PTO policies or provide you with sample language to ensure they are compliant with these new regulations. If you have any questions about how this new law interacts with your existing policies or affects your business, please [contact us](#).
- As more guidance on this statewide law becomes available, we will notify our clients of any additional details.

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