

Paid Sick Leave

The new state paid sick leave program became effective on January 1, 2018. Under this program, employers in Washington must provide nearly all employees with paid sick leave.

Major provisions of this program include:

- Paid sick leave is accrued at a minimum rate of one hour of paid sick leave for every 40 hours worked, for full-time, part-time and seasonal workers.
- Sick leave must be paid to employees at their normal hourly compensation.
- An employee can use accrued paid sick leave beginning on the 90th calendar day after the start of his/her employment.
- Unused paid sick leave of 40 hours or less must be carried over into the following year.
- Employers are allowed to provide more generous carryover and accrual policies for sick leave.

Under the paid safe and sick leave program, an employee may use paid sick leave:

- To care for self or a family member;
- When the employee's workplace or his/her child's school or place of care is closed by a public official for any health-related reason; or
- For absences that qualify for leave under the Washington Domestic Violence Leave Act.

Employers may allow employees to use paid sick leave for other purposes.

Paid sick leave was one of four primary changes to state law under Initiative 1433 approved by voters in the fall of 2016. Other major law changes under that initiative include:

- Increases the minimum wage over the next several years;
- Ensures tips and service charges are given to appropriate staff; and
- Protects employees from retaliation when exercising their rights under the Minimum Wage Requirements and Labor Standards Act.

Most employees are eligible to receive paid sick leave. However, some employees whose job duties make them exempt from the Minimum Wage Act are not required to receive paid sick leave.

These exemptions, which are found in RCW 49.46.010(3), include certain agricultural employees who meet all three of the following criteria: they are employed as hand harvest pieceworkers; they commute daily from home to the farm where they are employed; and have been employed in agriculture less than 13 weeks during the preceding year. In addition, most executive managers who are paid on a salary basis and who supervise two or more full time employees and administrative employees are also exempt from the Minimum Wage Act. Exemptions are determined on a case-by-case basis—more information on these exemptions can be found at www.lni.wa.gov.



Contact the Washington State Department of Labor and Industries for more information:

L&I Paid Sick Leave Page

<https://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/PaidSickLeave.asp>

Employer's Guide to Implementation

<https://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/EmployerInfo.asp>

Fact Sheet

<https://www.lni.wa.gov/WorkplaceRights/files/FamilyLeave/PaidSickLeaveFactsheet.pdf>

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