

# Paid Sick Leave Law

## *Impacts of Initiative 1433*



Initiative 1433, which was approved by Washington voters in fall 2016, contains four primary changes to state law:

- **Requiring employers to provide paid sick leave** to most employees beginning Jan. 1, 2018.
- **Increasing the minimum wage** over the next several years.
- **Ensuring tips and service charges** are given to the appropriate staff.
- **Protecting employees from retaliation** when exercising their rights under the Minimum Wage Requirements and Labor Standards Act.

### **Paid sick leave requirements**

Starting Jan. 1, 2018, employers in Washington will be required to provide most of their employees with paid sick leave.

**Get ready now!** Sign up for updates on rule development, training, tools for employers and more: [www.Lni.wa.gov/Main/Listservs/WRWageHour.asp](http://www.Lni.wa.gov/Main/Listservs/WRWageHour.asp)

### **Accrual**

- Most employees must accrue paid sick leave at a minimum rate of one hour of paid sick leave for every 40 hours worked. This includes part-time and seasonal workers.
- Paid sick leave must be paid to employees at their normal hourly compensation.

- Employees are entitled to use accrued paid sick leave beginning on the 90th calendar day after the start of their employment.
- Unused paid sick leave of 40 hours or less must be carried over to the following year.
- Employers are allowed to provide employees with more generous carry over and accrual policies.

### **Usage**

Employees may use paid sick leave:

- To care for themselves or their family members.
- When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason.
- For absences that qualify for leave under the state's Domestic Violence Leave Act.

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

### **Rulemaking for paid sick leave**

The Department of Labor & Industries (L&I) is developing rules to explain and enforce the new requirements. These rules will include:

- Procedures for employers to notify their employee(s).
- Recordkeeping and reporting requirements regarding paid sick leave.
- Processes to protect employees from retaliation for the lawful use of paid sick leave.

The rules are being developed in two phases:  
(1) employer requirements and employee rights and  
(2) enforcement of the new law. Opportunities for public comment on employer requirements and employee rights ended Sept. 1. Rulemaking for enforcement of the new law is underway and includes opportunities for public comment at these public hearings:

**November 8**

10 a.m.

Spokane Center Place Auditorium  
2426 N. Discovery Pl.  
Spokane Valley, WA 99216

**November 9**

10 a.m.

L&I – Tumwater Auditorium  
7273 Linderson Way SW  
Tumwater, WA 98501

*A pre-hearing overview of the draft proposed rules begins at 9 a.m. for each public hearing.*

**What is a public hearing?** A public hearing is a formal agency meeting where the public can participate in the rulemaking process by providing testimony on a proposed rule.

### Minimum wage

- The minimum wage is \$11 per hour in 2017.
- The minimum wage applies to all jobs, including agriculture.
- Employers must pay employees age 16 and older at least \$11 per hour in 2017.

Employers are allowed to pay 85% of the minimum wage to employees under age 16. For 2017, this rate is \$9.35 per hour.

**Please note:** Seattle, Tacoma, and the City of SeaTac currently have higher minimum wage rates. The local rate applies if it is higher than the state minimum wage rate.

The initiative does not change overtime pay requirements.

- The initiative sets future minimum wage rates.
- The minimum wage will increase annually over the next three years: \$11.50 in 2018, \$12 in 2019, and \$13.50 in 2020.

- Starting Jan. 1, 2021, minimum wage increases will be calculated by L&I using a formula tied to the rate of inflation (based on the Consumer Price Index for Urban Wage Earners and Clerical Workers - CPI-W: [www.bls.gov/data](http://www.bls.gov/data)).

### Service charges and tips

The initiative states that an employer must pay to its employees:

- All tips and gratuities; and
- All service charges as defined under RCW 49.46.160, except those that are itemized as not being payable to the employee(s) servicing the customer.

Tips and service charges paid to an employee may not offset the state minimum wage requirement.

### Retaliation protections

The new law protects employees from retaliation for exercising their rights under the Minimum Wage Requirements and Labor Standards Act. This includes filing a complaint for wages owed, lawfully using paid sick leave or exercising protected rights.

### Questions?

For more information, go to [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave), or contact the Employment Standards Program at L&I by phone (1-866-219-7321) or email ([esgeneral@Lni.wa.gov](mailto:esgeneral@Lni.wa.gov)).

### Paid family and medical leave

The Washington State Legislature passed the paid family and medical leave bill in the 2017 legislative session. This new law will be a program administered by the **Washington State Employment Security Department**. Beginning in 2019, the program will be funded by premiums paid by employers and employees. In 2020, it will allow eligible workers to apply for up to 12 weeks of paid leave for personal illness, pregnancy or illness of family members. For more information, go to [www.esd.wa.gov/newsroom/paid-family-medical-leave](http://www.esd.wa.gov/newsroom/paid-family-medical-leave).