

Paid Sick & Safe Leave Comparison Chart[†]

	State-Wide I-1433	Seattle*	Tacoma**	SeaTac***
Worker Eligibility	<p>All employees working in the state of Washington, including part-time and seasonal employees, <i>except</i> those who qualify as “exempt” under Washington’s Minimum Wage and Overtime laws (<i>i.e.</i> “administrative,” “executive,” “professional,” “computer professionals,” and “outside sales” employees who meet the salary-basis threshold for exemption).</p> <p>The law applies to <i>all</i> employers, regardless of size or industry.</p>	<p>Any FT, PT, seasonal or temp worker that regularly works within City.</p> <p>Occasional basis employees who 240+ hours in a benefit year.</p> <p>Additionally, the Seattle Office of Labor Standards is currently considering an amendment that would expand the state-wide requirements to <i>all</i> employees in Seattle, regardless of “exempt” status.</p> <p>The new changes may further affect the “occasional basis” standard for those covered by Seattle’s ordinance.</p>	<p>Any full-time, part-time, seasonal or temp worker that the employer reasonably expects will work within the City 80+ hours per year. Once qualified, they remain eligible through the next benefit year.</p>	<p>Any qualified hospitality/transportation employee working in SeaTac.</p>
Definition of “Benefit Year”	Employer can define.	Employer can define, as long as set forth in writing.	Employer can define.	Calendar year.



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Accrual Rate	1hr/40 worked	Depends on tier size: <ul style="list-style-type: none"> • Tier 1 and 2 earn 1hr/40 worked. • Tier 3 earns 1hr/30worked. 	1hr/40worked	1hr/40worked
Annual Accrual/Use Cap	None. This requirement supersedes all other ordinances that provide for an accrual or usage cap.	Depends on tier size: <ul style="list-style-type: none"> • Tier 1: 40 hrs • Tier 2: 56 hrs • Tier 3: 72 hrs (108 if using universal PTO) Effective Jan 1, 2018: the ordinance will not provide for any accrual or use cap.	24 hours (but can use up to 40 if carried over from previous year). Effective Jan 1, 2018: the ordinance does not provide for any accrual or use cap.	None.
Carry Over Requirements	40 hours	Depends on tier size: <ul style="list-style-type: none"> • Tier 1: 40 hrs • Tier 2: 56 hrs • Tier 3: 72 hrs (108 if using universal PTO) 	24 hours Effective Jan 1, 2018: the ordinance requires carryover of at least 40 hrs.	All accrued PSST must be paid out at the end of each calendar year.
Allows Front Loading:	Yes, but employers must track hours worked to ensure that frontloaded hours meet minimum accrual requirements and must allow carry-over.	Yes.	Yes.	Not specified, but effectively, No.

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Minimum Increments of Use	Increments consistent with normal payroll practices for compensating employees, not to exceed 1 hour.	If feasible, must allow to use in .25 increments; otherwise, 1 hour. Effective Jan 1, 2018, must allow for smaller increments if normal payroll practices use smaller than .25 increments.	1-hour increments (competing provisions state that can increase to blocks of 4 hours, so long as complies with FLSA requirements). Effective Jan 1, 2018, must allow for smaller increments.	Unspecified.
Required Pay Out at Termination	No.	No.	No.	Unspecified, but probably. Must pay out all unused leave at the end of each calendar year.
Reinstatement of PSST for Returning Employees	Must reinstate accrued PSST if returns in 12-months.	Must reinstate accrued PSST if returns within 7 months. Effective Jan. 1, 2018, must reinstate if returns within 12 months.	Must reinstate accrued PSST if returns within 6 months. Effective Jan. 1, 2018, must reinstate if returns within 12 months.	Unspecified.

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Probationary Period	Accrual begins immediately, but can begin using of accrued PSST on 90th day of employment.	Accrual begins immediately, but can require employees to complete 180-day period before use. Effective Jan 1, 2018: ordinance requires maximum of a 90-day period.	Accrual begins immediately, but can require employees to complete 180-day period before use. Effective Jan 1, 2018: ordinance requires maximum of a 90-day period.	None: may begin use as soon as accrued.
Definition of “Family Members” Covered	For “sick” leave: <ul style="list-style-type: none"> • Child • Parent • Parent-in-law • Spouse • Registered domestic partner • Grandparent • Grandchild • Sibling For “safe” leave: <ul style="list-style-type: none"> • Child • Parent • Parent-in-law • Spouse • Grandparent • Person with whom the employee has a dating relationship 	Child, grandparent, parent, parent-in-law, spouse. Effective Jan 1, 2018: ordinance will expand “family member” definition to include those covered by state-law.	Child, grandparent, parent, spouse. Effective Jan 1, 2018: ordinance will expand “family member” definition to include those covered by state-law.	Undefined.

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Includes Bereavement	No.	No.	Yes.	No.
Rate of Pay Calculation	<p>Paid at the employee’s “normal hourly compensation,” which is defined as the hourly rate that an employee would have earned for the time during which the employee used the paid sick leave. It does include commissions.</p> <p>This does not include tips, gratuities, service charges, holiday pay, or other premium rates.</p>	<p>Paid at regular hourly rate of pay <i>except</i> not required to include tips or commissions.</p> <p>Effective Jan 1, 2018: the ordinance will expand to include commissions.</p>	<p>Includes only hourly wage (or minimum wage, whichever greater)</p> <p>Does not include tips, bonuses, commissions.</p> <p>Fluctuating rate of pay: use weighted average.</p> <p>“Outside salespersons” = weighted average</p>	<p>Vague; “worker shall be paid his/her normal hourly compensation for each compensated hour off.”</p> <p>“Compensation” defined as including wages, tips, bonuses, and other payments reported as taxable income.</p>
Posting Requirements	<p>Washington Department of Labor & Industries Poster available here: http://www.lni.wa.gov/IPUB/700-074-909.pdf</p>	<p>Seattle Poster available here: http://www.seattle.gov/laborstandards/publications</p>	<p>Tacoma Poster available here: http://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=87935</p>	None.



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Documentation/ Employer Enforcement	<p>Can require employees to 10 days provide notice where need for leave is foreseeable, so long as this policy is consistent with other policies for requesting leave.</p> <p>If absent 3+ consecutive days, can require medical documentation.</p> <p>All verification policies must be provided in writing.</p>	<p>Can require employees to 10 days provide notice where need for leave is foreseeable.</p> <p>If absent 3+ consecutive days, can require medical documentation.</p> <p>Cannot require more notice time than required by other leave policies.</p> <p>All verification policies must be provided in writing.</p>	<p>Must accept employee's own signed statement as adequate documentation.</p> <p>Cannot require more notice time than required by other leave policies.</p> <p>Cannot require more than 10 days advanced notice.</p> <p>All verification policies must be provided in writing.</p>	<p>Cannot require any kind of verification.</p>
Certification of Compliance with City	None.	None.	Yes. Every time you renew your business license, you must certify compliance with the ordinance.	None.
Retaliation Provisions	Yes. RCW 49.49.210(4).	Yes, plus 90-day presumption of retaliation provision. SMC 16.16.055	Yes. TMC 18.10.040	Yes. SMC 7.45.020(C); SMC 7.45.090
Private Right of Action	Yes.	Yes.	No.	Yes.
Record Retention	3 years.	3 years.	3 years.	2 years.

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Confidentiality Requirements	Yes. WAC 296-128-660(3).	Yes. SMC 14.16.035	Yes. TMC 18.10.060(B).	None.
Waivable?	No.	Only by bona fide CBA <i>until</i> December 31, 2018 only for those provisions that are more generous than the state-wide laws. Thereafter, no waivers of PSST provisions are permitted.	Only by bona fide CBA. Effective Jan 1, 2018: No.	Only by bona fide CBA.
Misc. Requirements		<ul style="list-style-type: none"> • Must provide employees with advanced notice of defined “Benefit Year” used for calculating PSST; tier size, rate of accrual, use and carry over policies, and manner of providing notice to employee each time they are paid; and notification requirements for taking the PSST. • Must provide notice of available PSST every time the employee is paid (<i>e.g.</i> on paystubs). 		Must pay out all unused leave at the end of each calendar year.



*Seattle's Office of Labor Standards is currently considering proposed amendments its Paid Sick & Safe Time Ordinance, and is anticipated to pass as drafted. The requirements described in this table reflect those proposed amendments.

**Tacoma's City Council amended the Paid Sick & Safe Leave Ordinance to match the state's requirements regarding accrual and use caps, carry-over requirements, and the waiting period for new employees to begin using leave.

***SeaTac Ordinance applies only to defined Hospitality and Transportation employers. Several other requirements (minimum wage, right to hours, etc.) must be observed under this law.

†Other Considerations:

The yellow highlighted boxes indicate where the local ordinance provides additional requirements beyond those required by state law.

Spokane's Paid Sick & Safe Leave ordinance expires on December 31, 2017, in light of the new state-wide policy.

Note that Federal Contractors are also subject to Executive Order 13706, which requires that Federal Contractors provide 7 days of paid sick leave each year to covered employees. More details can be found here: <https://www.dol.gov/whd/govcontracts/eo13706/>.