



Summary of Seattle's new Paid Sick and Safe Leave Ordinance

On September 12, 2011, Seattle City Council passed [Ordinance #123698](#), establishing minimum standards for the provision of paid sick and paid safe leave. When the ordinance takes effect on September 1, 2012, covered employers will be required to provide paid sick/safe leave to their employees, with some exceptions.

The Seattle Office for Civil Rights (SOCR) is responsible for developing rules to administer the ordinance, and to enforce the ordinance once it goes into effect. SOCR also is available to provide technical assistance to employers and employees. For more information, please call 206-684-4507, e-mail elliott.bronstein@seattle.gov, or [fill out a Customer Feedback form](#).

Below is a summary of the ordinance's key provisions. SOCR will release a more detailed FAQ document in December to address a variety of specific questions from employers, employees and the general public. If you have a question you'd like answered, or if you wish to be added to our contact list, please contact Elliott Bronstein at 206-684-4507 or [by e-mail](#).

When does the ordinance go into effect?

The ordinance goes into effect on September 1, 2012.

Which employees does the ordinance cover?

The ordinance applies to full-time, part-time, and temporary employees who perform more than 240 hours of work in Seattle within a calendar year. Employees who occasionally work in Seattle are covered if they perform more than 240 hours of work in Seattle within a calendar year. The ordinance does not apply to work study employees and employees of other government employers.

Which employers does the ordinance cover?

Employers with 5 or more "full-time equivalent employees" (FTEs) are required to provide paid sick/safe leave to covered employees. An employer's specific obligations depend on the number of the employer's FTEs.

How do employees accrue the paid sick/safe leave benefit?

Employees' accrual rate depends on the size of the employer:

- **Tier One – 5 to 49 FTEs:** Employees accrue 1 hour for every 40 hours worked, up to a 40 hour cap (5 days).
- **Tier Two – 50 to 249 FTEs:** Employees accrue 1 hour for every 40 hours worked, up to a 56 hour cap (7 days).
- **Tier Three – over 250 FTEs:** Employees accrue 1 hour for every 30 hours worked, up to a 72 hour cap (9 days).

How do employers determine the number of FTEs who work for them?

To determine the number of FTEs, employers should count all compensated hours of all employees during the previous calendar year. All employees are counted for FTE determination, including:

- Full-time, part-time and temporary employees.
- Employees who are made available by a temporary service, staffing agency, etc.
- Employees who work outside of Seattle.

What are permitted uses of paid sick/safe leave?

- For an employee's illness or injury, diagnosis, treatment, and preventative care.
- For the health needs of an employee's child, spouse, domestic partner, parent, parent-in-law, or grandparent.
- To cope with the consequences of domestic abuse, sexual assault or stalking.
- If a place of business, or a child's school or place of care, is closed for a public health emergency.

Can employees carry over accrued leave?

Accrued leave up to the cap carries over into the next year, but employees cannot use more leave in a year than their capped amount.

Can employers continue to offer universal paid time off (PTO) for their employees?

Employers may provide PTO, another method of accrual, or more generous benefits as long as the minimum number of hours is available as sick/safe leave. For Tier Three employers with a PTO policy, use of paid leave is limited to no less than 108 hours within a calendar year, and up to 108 hours of unused paid leave may be carried over to the next year.

Are these provisions subject to collective bargaining?

Labor unions and their employers may bargain over provisions.

Do employers need to keep special records to document their compliance with the ordinance?

Employers do not need to change recordkeeping practices, as long as those records reasonably reflect hours worked in Seattle, accrued sick/safe leave, and sick/safe leave taken.

What medical documentation do employees need to provide?

Employers may require their employees to document absences longer than three consecutive days. If employers do not offer health insurance, employers and employees should split the cost of obtaining such documentation – i.e. each should pay 50% of the cost.

Can employees swap shifts instead of taking paid sick/safe leave?

Yes. With mutual employer and employee consent, employees may work additional hours or shifts during the same or next pay period instead of using paid sick/safe leave. For eating and/or drinking establishments, employers may offer substitute hours/shifts to employees who request paid sick/safe leave. If an employee chooses to work substitute hours/shifts, the employer may deduct paid sick/safe leave in accordance with ordinance requirements.

What happens if an employer retaliates against an employee for exercising this benefit?

The ordinance prohibits retaliation. Employees cannot be penalized for using leave for covered purposes. SOCR will investigate allegations of retaliation under this ordinance.