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## **KNOW YOUR RIGHTS: Seattle, WA Paid Sick and Safe Time**

### **1) What does the Seattle Paid Sick and Safe Time law do?**

Seattle's permanent paid sick and safe time law gives workers **sick time** that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; or to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care.

It also gives workers **safe time** that can be used when the worker's place of business is closed by order of a public official for any health-related reason to limit exposure to an infectious agent, biological toxin, or hazardous material; to care for a family member whose school or place of care has been closed; or to address certain non-medical needs that may arise if the worker or a family member is a victim of domestic violence, sexual assault, or stalking. If a worker's employer has **250 or more full-time workers**, they can also use safe time when their place of business has reduced operations or closed for any health- or safety-related reason.

On June 1, 2020, Seattle's City Council passed the Paid Sick and Safe Time for Gig Workers Ordinance. The Ordinance gives covered gig workers (someone who works for a food delivery network company or as a transportation network company driver) paid sick time, which can be for the same purposes as sick time under the permanent law, as explained above. It also gives covered gig workers paid safe time, which can be used when their hiring entity (as defined by the ordinance) has suspended or otherwise discontinues operations by order of a public official, for any health-related reasons, to limit exposure to an infectious agent, biological toxin or hazardous material; when their hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason; when their family member's school or place of care has been closed; or to address certain needs that may arise if the worker or a family member is a victim of domestic violence, sexual assault, or stalking.

The gig workers' paid sick and safe time law becomes effective on July 13, 2020, and workers can use and accrue paid sick and safe time until 180 days after the later of the termination of the civil emergency proclaimed by the Mayor on March 3, 2020 or the termination of any concurrent civil emergency proclaimed by a public official in response to the COVID-19 public health emergency that is applicable to Seattle.

### **2) Am I covered?**

Under Seattle's permanent paid sick and safe time law: if you work as an employee in Seattle, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover government employees other than employees of the City of Seattle and independent contractors.

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Under the gig workers' paid sick and safe time law: if you are a gig worker (someone who works for a food delivery network company or as a transportation network company driver) who performs work for a hiring entity that has 250 or more gig workers worldwide and your work is performed at least in part in Seattle, you are probably covered.

**3) How much sick and safe time can I earn?**

Under Seattle's permanent paid sick and safe time law: if your workplace has **250 or more full-time workers**, you earn **1 hour** of paid sick and safe time for **every 30 hours worked**. If your workplace has **fewer than 250 full-time workers**, you earn **1 hour** of sick and safe time for **every 40 hours worked**.

Additionally, under the permanent paid sick and safe time law: there is no limit to how much sick and safe time you can earn, however, your employer isn't required to allow you to carry over more than a certain amount of time to the next year, depending on the size of your employer. If your workplace has **250 or more workers**, your employer isn't required to allow you to carry over more than **72 hours** of sick and safe time per year. If your workplace has **at least 50 but less than 250 workers**, your employer isn't required to allow you to carry over more than **56 hours** of sick and safe time per year. If your workplace has **less than 50 workers**, your employer isn't required to allow you to carry over more than **40 hours** of sick and safe time per year.

Under the gig workers' paid sick and safe time law: if you began working for your hiring entity prior to July 13, 2020, your hiring entity must choose *one* of the following ways for you to accrue paid sick and safe time:

- Beginning on October 1, 2019 or the date you begin work, whichever is later, you earn **1 day** of paid sick and safe time for every **30 days** worked; *or*
- You will have 5 days of paid sick and safe time available to you on July 13, 2020, and beginning on July 13, 2020 you earn **1 day** of paid sick and safe time for every **30 days** worked.

However, if between October 1, 2019 and July 13, 2020 you've taken any other paid leave that you used for a paid sick and safe time reason (explained above), your hiring entity can subtract that compensation from the compensation that you're entitled to under the law. You are allowed to carry over at least 9 days of earned paid sick and safe time per year.

Under both the permanent paid sick and safe time law and the gig workers' paid sick and safe time law, all covered workers are protected against being fired or punished for using or requesting their sick and safe time (including threats, discipline, demotion, reduction in hours, termination, etc.).

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**4) What if my work or my child’s school or daycare is closed for a health emergency?**

Under Seattle’s permanent paid sick and safe time law: you can use your safe time if your place of business is closed by order of a public official for any health-related reason to limit exposure to an infectious agent, biological toxin, or hazardous material or to care for any of the family members listed in Question 5 (including a child) whose school or place of care has been closed. Additionally, if your employer has **250 or more full-time workers**, you can also use your safe time when your place of business has reduced operations or closed for any health- or safety-related reason.

Under the gig workers’ paid sick and safe time law: you can use your safe time if your hiring entity has suspended or otherwise discontinues operations by order of a public official, for any health-related reasons, to limit exposure to an infectious agent, biological toxin or hazardous material; if your hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason; or to care for a family member whose school or place of care has been closed.

**5) Which of my family members are covered by the law?**

Under Seattle’s permanent paid sick and safe time law *and* the gig workers’ paid sick and safe time law:

- You can take **sick time** to care for yourself or a child, spouse, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandchild, grandparent, or sibling.
- You can take **safe time for yourself or the following family members if their school or place of care has been closed:** a child, spouse, registered domestic partner, parent, parent of a spouse or registered domestic partner, grandparent, grandchild, or sibling.
- You can also take **safe time for yourself or the following family members for absences related to domestic violence, sexual assault, or stalking:** a child, spouse, parent, parent of a spouse or registered domestic partner, grandparent, person with whom you have a romantic relationship, or household members (as defined in either law).

**6) What if I already have paid leave or paid time off?**

Under Seattle’s permanent paid sick and safe time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick and safe time *and* it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the gig workers’ paid sick and safe time law, as mentioned above, if between October 1, 2019 and July 13, 2020 you’ve taken any other paid leave that you used for a paid sick and safe time reason (explained above), your hiring entity can subtract that time from the time that you’re entitled to under the law.

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**7) When can I begin using my sick and safe time?**

Under Seattle’s permanent paid sick and safe time law: you start earning sick and safe time immediately but cannot use it until 90 days after the start of your employment.

Under the gig workers’ paid sick and safe time law: starting on July 13, 2020, you can start using previously earned sick and safe time. Any sick and safe time you earn from July 13, 2020 onward must be available for you to use no later than one week after you earn it. However, you can only use your sick and safe time if you’ve worked for your hiring entity within the past 90 days.

If you are otherwise eligible, you are also able to use your paid sick and safe time during periods of deactivation (such as when your access to your hiring entity’s platform has been blocked), unless you were deactivated because of a verified allegation of sexual assault.

**8) Do I need a doctor’s note?**

Under Seattle’s permanent paid sick and safe time law, you only need a doctor’s note after more than 3 consecutive days of absence (and the note does not have to specify your illness).

Under the gig workers’ paid sick and safe time law, you may need to provide reasonable verification, such as a doctor’s note or an oral or written explanation, that you used paid sick and safe time for an authorized purpose, but only after more than 3 consecutive days of absence. However, during a civil emergency declared by a public official in response to COVID-19, your hiring entity cannot require a doctor’s note.

*The Seattle Office of Labor Standards is in charge of enforcing these laws.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time.** If you have a problem—or want more information—call A Better Balance’s free legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.*