

KNOW YOUR RIGHTS: Washington State Paid Sick Leave

1) What does the Washington State Paid Sick Leave law do?

It gives workers sick leave that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker's place of business is closed by order of a public official for any health-related reason or to care for a child whose school or childcare provider has been closed by order of a public official for any health-related reason; or to address certain needs that may arise if the worker or a family member are victims of domestic violence, sexual assault, or stalking. Additionally, the Washington State Department of Labor & Industries released [administrative guidance](#) clarifying that sick leave can also be used for certain COVID-19 related reasons, including exposure to COVID-19.

On August 13, 2020, Governor Inslee signed [Proclamation 20-67](#), which gives certain food production workers emergency supplemental paid sick leave related to COVID-19 if the worker is: subject to a federal, state, or local quarantine or isolation order related to COVID-19; advised by a health care official or provider to self-quarantine or self-isolate due to concerns related to COVID-19 or a positive diagnosis of COVID-19; prohibited from working due to health concerns related to the potential transmission of COVID-19; or experiencing COVID-19 symptoms and is seeking a medical diagnosis. The proclamation went into effect on August 18, 2020 and remains in effect until November 13, 2020.

2) Am I covered?

Under Washington's permanent paid sick leave law: if you work as an employee in Washington State, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal employees.

Under the COVID-19 Proclamation: if you provide services to an employer that operates certain food production services as listed in the Proclamation (such as orchards, fields, dairies, fruit- and vegetable-packing warehouses, meat and seafood processors, etc.) and you are taking leave for one of the COVID-19-related purposes explained above (under Question #1), you may be covered whether you are a **seasonal or migrant** worker (and regardless of whether you are deemed an employee of the entity). Covered workers do not have to be classified by the hiring entity or employer as an employee in order to be covered. However, the proclamation does not cover workers who are also eligible for sick leave under the [federal Families First Coronavirus Response Act \(FFCRA\)](#).

3) How much sick leave can I earn?

Under Washington's permanent paid sick leave law: you earn **1 hour** of paid sick leave for **every 40 hours worked**. There is no limit on how much sick leave you can earn, however, your

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

employer isn't required to allow you to carry over more than 40 hours of paid sick leave per year.

Under the COVID-19 Proclamation: full-time workers and workers that were scheduled to work at least 40 hours per week in the preceding 2 weeks can take emergency supplemental paid sick leave for **up to 80 hours**. Other workers can take COVID-19 emergency supplemental paid sick leave for the total number of hours they're usually scheduled to work over a 2-week period; if the worker has a variable number of hours, they can take emergency supplemental paid sick leave for up to 14 times the average number of hours worked each day preceding the date leave started. Unlike paid sick leave under Washington's permanent paid sick leave law, workers do not have to earn—based on hours worked—this emergency supplemental paid sick leave for COVID-19.

Under both the permanent paid sick leave law and the COVID-19 Proclamation, all covered employees are protected against being fired or punished for using their sick leave (including threats, discipline, demotion, reduction in hours, termination, etc.).

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

Under Washington's permanent paid sick leave law: you can also use your sick leave if your place of business is closed by order of a public official for any health-related reason or to care for a child whose school or childcare provider has been closed by order of a public official for any health-related reason.

Under the COVID-19 Proclamation: you cannot use your emergency supplemental paid sick leave because your work or your child's school or day care is closed unless you otherwise have another covered reason for using your emergency supplemental paid sick leave (for example, if your doctor advises you to stay home because of COVID-19 concerns).

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

Under Washington's permanent paid sick leave law: you can take sick leave 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 also take sick leave to address certain needs if you or a child, parent, parent of a spouse, spouse, grandparent, or person with whom you have a dating relationship is a victim of domestic violence, sexual assault, or stalking.

Under the COVID-19 Proclamation: you are only eligible for emergency supplemental paid sick leave when you specifically have been ordered or advised to isolate or quarantine for reasons related to COVID-19, or if you're experiencing COVID-19 symptoms and are seeking a diagnosis.

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

Under Washington’s permanent paid sick leave law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick leave *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 COVID-19 Proclamation: employers must substitute this COVID-19 emergency supplemental paid sick leave with other paid sick leave that is available for you to use, including under Washington State’s paid sick leave law and related regulations, as long as that leave is immediately available under the same terms as the COVID-19 emergency paid sick leave explained here. Additionally, if you are also eligible for sick leave under the [federal Families First Coronavirus Response Act \(FFCRA\)](#), you are not covered by the COVID-19 emergency supplemental paid sick leave proclamation.

7) When can I begin using my sick leave?

Under Washington’s permanent paid sick leave law: you start earning sick leave immediately but cannot use it until 90 calendar days after the start of your employment.

Under the COVID-19 Proclamation: you can take supplemental paid sick leave beginning August 18, 2020.

8) Do I need a doctor’s note?

Under Washington’s permanent paid sick leave law: if you use sick leave for more than 3 days, your employer can require a note from a health care provider. The note does not need to describe the health issue—only your need for the amount of sick leave taken.

Under the COVID-19 Proclamation: the proclamation does not state whether or not you may be required to provide a doctor’s note or other documentation, so it is unclear at this time.

The Washington State Department of Labor & Industries is in charge of enforcing this law.

All covered workers are protected against being fired or punished for using sick leave. 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 leave law 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.