**Business Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Business Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Policy Creation Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Section I - Purpose of the PSST Ordinance; about PSST**

Seattle’s Paid Sick and Safe Time (PSST) Ordinance, SMC 14.162 requires employers to provide their employees working in Seattle with paid leave for work absences due to a physical or mental health condition or a critical safety issue. Employees have a right to use paid sick and safe time for:

• An employee’s personal illness, injury or health condition or medical appointment, or to take care of a family member with an illness, injury or medical appointment (Sick Time);

• Closure of the employee’s place of business or child’s school/place of care by order of a public official for health reasons (Safe Time); and

• For reasons related to domestic violence, sexual assault, or stalking for the employee or a family or household member (Safe Time).

For paid sick and for paid safe time, “family member” includes the following individuals, without regard to age, a spouse, registered domestic partner, child, stepchild, foster child, sibling, parent, grandparent, grandchild, and parent-in-law.

For paid safe time only, “household member” includes child, stepchild, foster child, sibling, parent, stepparents, stepchildren, grandparents, grandchildren, current and former spouses and domestic partners, persons who have a child in common, adult persons related by blood or marriage, adult persons who have resided or are residing together, and persons 16 years of age or older who are or were residing together and who are or were in a dating relationship.

**Section II - Eligible employees**

Employers are required to provide paid sick and safe time for all employees working in Seattle, including

full time, part time, temporary, and seasonal employees, regardless of overtime exempt status.

**Section III - Tier size; rate of accrual, use and carry over;3 employer’s choice of year**

The amount of PSST hours that employees accrue depends on how many full time equivalent employees work for the employer worldwide.

This employer is a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*specify* **Tier 1***,* **Tier 2***, or* **Tier 3** *for employer size* 4) employer, with the following accrual and carry over:

*(check appropriate box based on Tier size indicated above)*

* **Tier One employers (at least 1 employee and up to 49 FTEs)**: Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can carry over up to 40 hours of unused PSST to the following year.
* **Tier Two employers (50 to 249 FTEs)**: Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can carry over up to 56 hours of unused PSST to the following year.
* **Tier Three employer (250 or more FTEs) without PTO**: Employees accrue 1 hour of PSST for every 30 hours worked in Seattle. Employees can carry over up to 72 hours of unused PSST to the following year.
* **Tier Three employer (250 or more FTEs) with PTO**: Employees accrue 1 hour of PSST for every 30 hours worked in Seattle. Employees can carry over up to 108 hours of unused PSST to the following year.

PSST hours are accrued based on a 12-month year.

5 This employer’s year:

begins \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(indicate start date – i.e. fiscal year start, “hire date”, etc.)* and

ends \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(indicate end date – i.e. fiscal year end, “1 year from hire date”, etc.)*.

There is no cap on accrual or use of PSST hours; the only cap is on carry over of unused PSST hours to the following year.

**Section III a - Tier size; rate of accrual, use and carry over;3 employer’s choice of year (PTO Policy)**

☐ **Not Applicable** *(check if section does not apply to business)*

*\*\*\* Optional Paid Time Off (PTO Policy) for combined or universal leave: Only include PTO policy language if you allow employees to use vacation/PTO for PSST purposes. If the employer provides different plans based on employee classification, describe the specifics of each plan.*

Employees can use accrued Paid Time Off (PTO), as well as paid vacation leave, for absences covered by

Seattle’s PSST ordinance, SMC 14.16 (as described in Section I).

This employer is a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*specify* **Tier 1***,* **Tier 2***, or* **Tier 3** *for employer size* 4) employer, with the following accrual and carry over:

* **Tier One employers (at least 1 employee and up to 49 FTEs)**: Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can carry over up to 40 hours of unused PSST to the following year.
* **Tier Two employers (50 to 249 FTEs)**: Employees accrue 1 hour of PSST for every 40 hours worked in Seattle. Employees can carry over up to 56 hours of unused PSST to the following year.
* **Tier Three employer (250 or more FTEs) with PTO**: Employees accrue 1 hour of PSST for every 30 hours worked in Seattle. Employees can carry over up to 108 hours of unused PSST to the following year. 6

PTO hours are accrued based on a 12-month year.

5 This employer’s year:

begins \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(indicate start date – i.e. fiscal year start, “hire date”, etc.)* and

ends \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(indicate end date – i.e. fiscal year end, “1 year from hire date”, etc.)*.

There is no cap on accrual or use of PTO hours; the only cap is on carry over of unused PTO hours to the following year. Requests to use PTO for PSST purposes are subject to the reasonable notice and verification provisions in Section VI and VII. Requests to use PTO for non-PSST purposes are subject to the following reasonable notice and/or verification procedures:

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*(specify reasonable notice or verification requirements, if imposed)*

If an employee chooses to use all of the employee’s accrued PTO for non-PSST purposes, the employer is under no obligation to provide additional PTO.

**Section IV – Method of notification of PSST balance**

Each time wages are paid, employers are required to notify employees of (1) total available paid sick and safe time; (2) paid sick and safe time accrued since the last notification; and (3) paid sick and safe time used since the last notification. This employer:

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(*specify* ***timing*** *and* ***method of notification****, e.g. information from the employee’s pay stub*)

**Section V - Using PSST Hours and Rate of Pay**

An employer may impose a waiting period of up to 90 days after an employee commences employment before that employee can use any accrued PSST hours. This employer:

* **Does Not Require a Waiting Period for usage of accrued PSST hours**
* **Imposes a Waiting Period of** \_\_\_\_\_\_\_\_\_\_\_\_\_ **days** *(indicate waiting period not to exceed 90 days)*

**for usage of accrued PSST hours.**

Employees may use PSST in increments of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(indicate time increment for usage – see below)*

• **Hourly, non-overtime exempt employees**: Employers must permit use of PSST in whichever is

the smaller amount – either hourly increments or the smallest increment in which time is tracked for compensation purposes. (e.g. if the employer tracks time in one-minute increments for compensation, the employer must permit use of PSST in one-minute increments).

• **Overtime exempt employees**: Employers may make deductions of PSST in accordance with

 state and federal law.

When using PSST, employees will be paid their normal hourly compensation (i.e. the rate that they would have earned if they had shown up for work). Employees are also entitled to lost commissions based on a 90-day lookback period.

**Section VI - Reasonable notice requirements for requesting PSST**

To request PSST, an employee must follow the employer’s notice procedure for absences, including marking the timesheet accordingly. The employee does not have to ask specifically for PSST or disclose the nature of an illness or the specific reason related to a critical safety issue, but the employee must give the employer enough information to understand that the absence is for a PSST-qualifying reason. The employer will maintain the confidentiality of information provided by the employee or others regarding an employee's request for PSST.

• If the employee’s need for PSST is foreseeable (e.g. doctor appointment), the employee must

make a written request to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)* at least 10 days, or as soon as practicable, before the date of use.

• If the need for PSST is not foreseeable (e.g. unexpected illness), the employee must follow the call-out procedure: *(specify the procedure below including point of contact and method of communication)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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If circumstances prevent an employee from following the call-out procedure, an employee must provide notice as soon as practicable.

• If the reason for the absence involves domestic violence, sexual assault, or stalking, the employee must provide oral or written notice no later than the end of the first day of using

PSST.

**Section VII – Verification requests from employer**

*\*\*\* Note to employers: Only include a section on verification if it is part of your policy or practice. Verification requirements are allowed by the ordinance, but not required. Also, employers that do not offer medical benefits to employees must pay half the cost of obtaining the verification.*

If an employee has used PSST for an authorized purpose for more than three (3) consecutive days during which the employee is required to work, the employee must provide verification that establishes or confirms that the use of PSST is for an authorized purpose.

If the employer requests documentation that accrued PSST hours are being used for a reason that is covered by the law, the employee is not required to disclose the nature of the illness or other specific reason for the absence. The employer will maintain the confidentiality of information provided by the employee or others in support of an employee's request for PSST.

• For sick time acceptable verification may include:

* A health care provider’s signed statement indicating that the use of paid sick leave is for care of the employee or their family member for an authorized purpose; or
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*indicate other types of documentation demonstrating that the employee’s use of paid sick leave is for care of the employee or their family member for an authorized purpose*)

• For safe time: The supporting documentation must indicate that the employee or a family or household member is experiencing domestic violence, sexual assault, or stalking, and that the leave was taken for a purpose covered by the law. This could include:

* A written statement by the employee;
* A police report;
* A court order;
* Evidence from a court or prosecuting attorney;
* Documentation from any of the following persons from whom an employee or an employee’s family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee’s family member is a victim:
* An advocate for victims of domestic violence, sexual assault, or stalking;
* An attorney;
* A member of the clergy; or
* A medical professional.
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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*(indicate other types of documentation that the employee or the employee's family member is experiencing domestic violence, sexual assault, or stalking)*

• For safe time related to closure of a child’s school or place of care: the employee may provide the notice of closure the employee received.

*\*\*\* Note to employers: the “unreasonable burden” procedures described below are required by WAC 296-128-660 for employees subject to the Washington Minimum Wage Act, RCW 49.46.*

If an employee believes that obtaining verification for use of paid sick leave would result in an unreasonable burden or expense on the employee, the employee must contact

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)* orally or in writing. The employee must indicate that the absence is for an authorized purpose, and explain why verification would result in an unreasonable burden or expense on the employee.

Within 10 calendar days of receiving the employee’s request,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)* will work with the employee to identify an alternative verification method that does not result in an unreasonable burden or expense. Options may include, but are not limited to:

• Accepting the previously submitted oral or written statement;

• Company-provided transportation;

• Sharing more of the cost of getting a signed statement from a health care provider;

The employer may choose not to pay an employee for paid sick leave taken for such absences until verification is provided. An employee has the right to contact

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)* if the employee believes the proposed alternative still results in an unreasonable burden or expense. If an employee is not satisfied with the employer’s alternatives, the employee may contact the Seattle Office of Labor Standards or the Washington State Department of Labor & Industries.7

**Section VIII – Frontloading** ☐ **Not Applicable** *(check if section does not apply to business)*

*\*\*\* Note to employers: Only include a section on frontloading if it is part of your policy or practice.*

The employer will provide each employee with notice of the amount of PSST hours that will be placed into the employee’s PSST account and the specific date. The notice will include the calculations used to determine the frontloaded hours, the PSST accrual year, and the employee’s eligibility details.

Unused frontloaded PSST balances must be carried over to the following year commensurate with the carry over requirements of the employer’s tier size.

If an employee’s frontloaded PSST is less than the amount that they were entitled to accrue, the employer will make any additional amounts of PSST available for use by the employee as soon as practicable, but no later than 30 days after the discrepancy is identified. If an employee uses more PSST than the employee would have otherwise accrued absent frontloading, the employer will not seek reimbursement from the employee for such PSST.

*(indicate front-loading details below based on the guidelines above)*

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Calculations Used to Determine Frontloaded PSST Hours:

**Section IX – Shared Leave Program** ☐ **Not Applicable** *(check if section does not apply to business)*

*\*\*\* Note to employers: Only include a section on shared leave programs if it is part of your policy or practice.*

The shared PSST program provides employees the opportunity to receive and use donated PSST, and to donate their PSST to other employees. Employees must apply to receive/donate shared PSST through

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)*

An employee is eligible to apply for and use shared PSST:

* **Immediately; or**
* **After** \_\_\_\_\_\_\_\_\_\_\_\_\_ **days after the start of employment** *(indicate number of days)*

To participate in the shared PSST program, the employee must

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*specify employer procedure above (e.g. complete the Employee Request to Receive Shared Paid Sick Leave form or complete the Employee Request to Donate Paid Sick Leave form)* and provide the form to

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify point of contact)*

Donated PSST will be recorded as if the donating employee had used the paid leave, and will reduce the donating employee’s available balance of PSST hours.

**Section X - Separation from employment**

If an employee is separated from employment and rehired within twelve months, the employer must reinstate the employee’s PSST balance as of the date of separation.

**Option to insert cash-out provision:** The PSST ordinance neither requires nor prohibits cash-out of unused PSST hours. An employer may choose to offer cash-out of unused PSST balances in excess of the carry over requirement at the end of the employer’s designated 12-month period for accrual and carry over, or upon separation from employment. If an employee chooses not to accept a cash-out offer, any unused PSST hours remain available to the employee if the employee returns to work with that employer within 12 months of separation.

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(*specify employer cash-out provision if applicable)*

**Section XI - Retaliation prohibited**

Any discrimination or retaliation against an employee for good faith assertion of PSST rights is against the law. An employer may not require, as a condition of an employee taking PSST, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave. An employer may not apply an absence control policy to PSST-covered absences.

**Section XII – PSST questions**

Employees with questions about PSST benefits may contact

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(specify employer’s name and contact information)*

\*\*\* Use of this PSST template is not a guarantee of compliance to the Seattle Paid Sick and Safe Time ordinance. It is up to the employer to stay informed of the latest updates and amendments and understand their legal responsibilities as an employer in the City of Seattle.

The Seattle Office of Labor Standards (OLS) is responsible for enforcing the Paid Sick and Safe Time ordinance and ensuring that employees are not retaliated against for using PSST. An employee who experiences a violation of PSST rights may file a complaint with OLS or file a lawsuit. OLS also provides free technical assistance, brochures, posters and other resources. For more information from OLS, call 206-256-5297 or visit http://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time.