



2017 ♦ Seattle Labor Standards Ordinance

Proposed Amendments to Paid Sick & Safe Time and Secure Scheduling

The Seattle Office of Labor Standards is proposing legislation that amends the Paid Sick and Safe Time (PSST) and Secure Scheduling (SS) ordinances. The PSST amendments incorporate the more generous provisions of voter-passed, Washington Initiative 1433 establishing statewide paid sick leave. Under state law, 1433 provisions automatically apply to hourly employees working in Seattle and throughout Washington state. Under OLS's proposed legislation, the 1433 provisions apply equally to hourly employees and overtime-exempt employees working in Seattle (with a few limited exceptions). Since PSST has always applied to both hourly and overtime-exempt employees, the proposed legislation maintains this broad employee coverage. The SS amendments clarify employer coverage in response to changes in federal NAICS codes. City Council is expected to vote on this legislation in December 2017 with an effective date in January 2018. After the legislation is passed, OLS will propose new PSST and SS rules to reflect the amendments.

Paid Sick and Safe Time

Issue	Current Legislation	Proposed Amendments
Definitions – Work study	There is a permissible exemption for employees working under a work study agreement.	There is <i>no exemption</i> for employees working under a work study agreement.
Definitions – Family members	Family member includes Child (minor or dependent), Spouse, Registered Domestic Partner, Parent, Parent-in-law, Grandparent.	Plus <i>Child (of any age), Sibling, and Grandchild.</i>
Definitions – Tier 1 employers	Tier 1 employers have more than four FTES and less than 50 FTES.	Tier 1 employers have <i>at least one employee</i> and less than 50 FTES.
Employment in Seattle – Occasional basis employees	PSST covers employees who are typically based outside of Seattle and who work in Seattle on an occasional basis after the employee works more than 240 hours in Seattle in a year.	<i>The occasional basis threshold for PSST coverage will be defined in rules.</i> Such coverage affects only those PSST requirements that are more generous than statewide paid sick leave.
Use	Caps on use of PSST are permitted.	Caps on use <i>are not permitted.</i>
Waiting period	Waiting period is 180 calendar days from start of employment.	Waiting period is <i>90 calendar days</i> from start of employment.
Breaks in service	PSST must be reinstated after a 7 month break in service for same employer.	PSST must be reinstated after a <i>12 month</i> break in service for same employer.
Increments of use – Hourly employees	Employees can use PSST in hourly increments or, if feasible by employer's payroll system, increments rounding to nearest 15 minutes.	Employees can use PSST in hourly increments <i>or the smallest increment in which compensation is tracked.</i>
Documentation of absence	Sick = Employer may require reasonable documentation after more than three days of consecutive use of PSST.	Additional statement that <i>employer's requirements for verification may not result in an unreasonable burden or expense on the employee.</i>

Rate of pay	Employers must pay the same hourly rate when an employee uses PSST. There is no right to lost tips or commissions.	Employers must pay <i>normal hourly compensation</i> . There is no language about lost tips/commissions. The term, <i>normal hourly compensation</i> will be defined in revised PSST rules.
Notifications	Each time wages are paid, employer must provide notification of PSST available for use.	Notification also must include <ul style="list-style-type: none"> • <i>PSST accrued</i> • <i>PSST reduced (e.g. used, donated).</i>
Tier one and tier two new employer exemption	There is a two-year exemption from PSST requirements for new tier one and tier two employers.	There is a two-year exemption for new tier one and tier two employers <i>only from PSST requirements that are more generous than statewide paid sick leave</i> (e.g. carry-over for tier two employers).
Employer records	Employers must retain records for three years <ul style="list-style-type: none"> • Hours worked in Seattle • Accrued PSST • Used PSST. 	Employer records also must include <ul style="list-style-type: none"> • <i>PSST available for use</i> • <i>PSST donated to a co-worker through a shared leave program</i> • <i>PSST not carried over to the following year.</i>
Notice and Posting – Written Policy	Employers must provide each employee with a written PSST policy the following items <ul style="list-style-type: none"> • Benefit year • Tier size • Accrual, use and carry-over • Manner of providing notification • Requirements for requesting leave. 	The written PSST policy also must include <ul style="list-style-type: none"> • <i>Employee’s right to PSST</i> • <i>Prohibitions against retaliation.</i> If applicable, an explanation of <ul style="list-style-type: none"> • <i>Frontloading program</i> • <i>Verification requirements for use of PSST for more than three consecutive days</i> • <i>Shared PSST program (e.g. donation)</i> • <i>PTO program.</i>
Waiver	Waiver is available only for employees covered by a CBA	<i>Waiver is available only through Dec. 31, 2018 for PSST requirements that are more generous than statewide paid sick leave (e.g. tier 2 & 3 carry over, tier 3 accrual). Thereafter, no CBA waiver of any PSST requirements is permitted.</i>

Secure Scheduling

Issue	Current Legislation	Proposed Amendments
Definitions – Food Services and Retail Establishments	Food services establishment = 722, 2012 NAICS Code Retail establishment = 441 through 453998, 2012 NAICS Code	Same numbers with reference to <i>2017 NAICS Codes and subsequent NAICS Codes</i>