

Attachment A

Paid Sick and Safe Time

1. What is changing in Seattle PSST to conform with I-1433 requirements?

Issue	Seattle - Current Legislation	Office of Labor Standards - Proposed Amendments to SMC 14.16, All Employers in Geographic Limits of Seattle	Seattle Department of Human Resources – Proposed Amendments to SMC 4.24, City of Seattle Benefits Eligible Employees*
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.	Removes work-study exemption.
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>	Adds grandchild to eligible family members.
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.	Not applicable
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.	Not applicable, sick leave benefit applies to all City employees regardless of location.
Use	Caps on use of PSST are permitted.	Caps on use <i>are not permitted.</i>	No change, current benefit does not cap sick leave use.
Waiting period	Waiting period is 180 calendar days from start of employment.	Waiting period is <i>90 calendar days</i> from start of employment.	No change, current waiting period is 30 days.
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.	Amends 4.24 to refer to OLS and State law on reinstatement provisions.
Increments of use – Hourly employees	Employees can use PSST in hourly increments or, if feasible by employer's	Employees can use PSST in hourly or, if an employer's payroll system tracks compensation <i>in</i>	Not applicable. Increment of use is 15 minutes.

	payroll system, increments rounding to nearest 15 minutes.	<i>increments of less than one hour, in 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>	No change to SMC 4.24.
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.	No change to SMC 4.24.
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> 	No change to SMC 4.24.
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>but only for PSST requirements that are more generous than statewide paid sick leave</i> (e.g. carry-over for tier two employers).	Not applicable.
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> 	No change to SMC 4.24.
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> 	No change to SMC 4.24.

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>	No change to SMC 4.24.
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* Non-benefitted City temporary employees follow the same provisions of SMC 14.16 as enforced by OLS