

Amendment 2 to PSST Expansion Ordinance (CB 119754)

Sponsor: CM Herbold

Expand paid safe time to cover situations when a Tier 3 employer has reduced operations or closed for any health- or safety-related reason.

On page 3, after line 12, amend the following Section as shown below:

Section 1. The City Council (“Council”) makes the following legislative findings of fact and declarations:

H. The impacts of the emerging public health crisis on the operation of businesses, schools, and places of care in the City are multifaceted and nuanced and are not easily defined or predictable. These impacts may result in reduced operations or closures. Expanding the use of paid sick and paid safe time to include situations when an employee’s place of business reduces operations or is closed, or when an employee’s family member’s school or place of care is closed, is necessary as an additional step to protect public health and to support the stabilization of an employee’s income while the COVID-19 emergency exists and in the future.

On page 5, after line 6, amend the following Section as shown below:

14.16.010 Definitions

2. For purposes of determining eligibility for “paid safe time” for absences that qualify for leave under subsection ~~14.16.030.A.2.c((.))~~; 14.16.030.A.2.d:

On page 7, after line 2, amend the following Section as shown below:

14.16.030 Use of paid sick and paid safe time

2. Paid safe time shall be provided to an employee by an employer. An employee is authorized to use paid safe time for the following reasons:

a. When the employee's place of business has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material;

b. When the employee's place of business for a Tier 3 employer has reduced operations or closed for any health- or safety-related reason;

c. When the employee's ~~((child's))~~ family member's school or place of care has been closed ~~((by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material));~~ and

~~((e-))~~ d. For any of the following reasons related to domestic violence, sexual assault, or stalking, as set out in RCW 49.76.030:

1) To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family or household members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

2) To enable the employee to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking,

or to attend to health care treatment for a victim who is the employee's family or household member;

3) To enable the employee to obtain, or assist a family or household member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

4) To enable the employee to obtain, or assist a family or household member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family or household member was a victim of domestic violence, sexual assault, or stalking; or

5) To enable the employee to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family or household members from future domestic violence, sexual assault, or stalking.

* * *

F. For use of paid safe time of more than three consecutive days for a reason set out in subsection 14.16.030.A.2, an employer may require reasonable verification that the employee's use of paid safe time is for an authorized purpose covered by subsection 14.16.030.A.2. If an employer requires reasonable verification, such verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for reasonable verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

1. An employer may require that requests under subsections 14.16.030.A.2.a ~~and 14.16.030.A.2.b~~ through 14.16.030.A.2.c be supported by verification of a ~~closure order or~~

notice of reduced operations or closure ((by a public official of the employee's place of business, or employee's child's school or place of care,)) and the employee may satisfy this verification request by providing ((notice of)) the closure order or notice, or a copy of the notice, in whatever format the employee received the order or notice it.

2. An employer may require that requests under subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d be supported by verification that the employee or employee's family or household member is a victim of domestic violence, sexual assault, or stalking, and that the leave taken was for one of the purposes covered by subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d. An employee may satisfy this verification requirement by one or more of the following methods:

- a. An employee's written statement that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes of subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d;
- b. A police report indicating that the employee or employee's family or household member was a victim of domestic violence, sexual assault, or stalking;
- c. A court order protecting or separating the employee or employee's family or household member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family or household member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or
- d. Documentation that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking, from any of the following

persons from whom the employee or employee's family or household member sought assistance in addressing the domestic violence, sexual assault, or stalking: an advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this Section 14.16.030 does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection 14.16.030.F.2.d.

Renumber sections and correct any internal references accordingly.

Effect: This amendment would amend the findings section to include places of businesses that have reduced operations or closed; expand the use of paid safe time to include situations when a Tier 3 employer has reduced operations or closed for any health- or safety-related reason; and amend verification requirements to included notices of reduced operations.