



Paid Sick and Safe Time (PSST) Policy

Section I - Purpose of the PSST Ordinance; about PSST

Seattle's Paid Sick and Safe Time (PSST) Ordinance, [SMC 14.16](#) 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:

- Sick Time: 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);
- Safe Time: For reasons related to domestic violence, sexual assault, or stalking for the employee or a family or household member;
- Safe Time: Closure of the employee's family member's school/place of care;
- Safe Time: Closure of the employee's place of business by order of a public official for health reasons; and
- Safe Time: Reduction in hours or closure of the employee's place of business for health or safety related reasons (employers with 250 or more full-time equivalent employees only).

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. Please see SMC 14.16.010 for the full list.

For paid safe time uses related to domestic violence, sexual assault, or stalking, "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. Please see SMC 14.16.010 for the full list.

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;¹ 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 Tier 3 employer, with the following accrual and carry over: 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. PSST hours are accrued based on a 12-month year.³ This employer's year begins January 1st and ends December 31st. There is no cap on accrual hours; the only cap is on carry over of unused PSST hours to the following year.

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 provides **information from the employee's pay stub**.

¹ **More generous policy:** An employer may choose to offer more generous rates of accrual and/or carry over than the minimum amounts required by the PSST Ordinance.

² **Tier sizes**

- **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):** 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.

³ **Employer's choice of year:** The employer must notify employees if it is using a period other than the calendar year for PSST accrual and carry over (e.g. tax year, fiscal year, contract year, or the year running from an employee's hire date).

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 require a waiting period before a new employee can use any accrued PSST hours**. Employees may use PSST in increments of 1 hour.

- **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 their recruiter 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 as noted in the Employee Handbook. 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

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
- For safe time related to domestic violence, sexual assault, or stalking: 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 or household member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family or household member is a survivor of domestic violence, sexual assault, or stalking:
 - An advocate;
 - An attorney;
 - A member of the clergy; or
 - A medical or other professional.
- For safe time related to closure of a family member's school or place of care: the employee may provide the notice of closure the employee received.

If an employee believes that obtaining verification for use of paid sick or safe leave would result in an unreasonable burden or expense on the employee, the employee must contact Human Resources 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, Human Resources 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; or
- 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 and safe leave taken for such absences until verification is provided. An employee has the right to contact HR@AHCStaff.com 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.⁵

Section VIII - Separation from employment

If an employee separates from employment and the employer rehires the employee within twelve months, the employer must reinstate the employee's PSST balance as of the date of separation.

⁵ The Washington State Department of Labor & Industries only investigates claims by employees covered by the Washington Minimum Wage Act, RCW 49.46.

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.

Section IX - 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 or safe leave. An employer may not apply an absence control policy to PSST-covered absences.

Section X – PSST questions

Employees with questions about PSST benefits may contact HR@AHCStaff.com.

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>.