

Seattle Ordinance Requires Businesses to Provide Paid Sick and Safe Days to Workers

By Bryan P. O'Connor

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The Seattle City Council has approved a requirement that businesses in Seattle provide paid leave to employees when they or their family members fall ill or are a victim of domestic violence. Additionally, the new ordinance (Council Bill No. 117216) requires employers to post a notice informing employees of their leave rights. Approved on September 12, 2011, the new leave ordinance goes into effect on September 1, 2012.

Employers in Seattle that employ at least five full-time employees (“FTEs”) must provide paid sick and safe day leave. The rates of accrual and maximum caps depend on an employer’s tier or size:

Employer Size	Accrual Rate	Maximum Cap	
Tier 1: 5-49 FTEs	1 hour for every 40 hours	40 hours	An employer’s FTEs both in and out of the Seattle city limits are counted toward determining its tier or size.
Tier 2: 50-249 FTEs	1 hour for every 40 hours	56 hours	
Tier 3: 250+ FTEs	1 hour for every 30 hours	72 hours	Employees must be permitted to carry over sick leave from year to year. The ordinance, however, does not require a payout of unused accrued leave on termination of employment. An employer’s obligation to pay out sick leave is determined by the employer’s current contractual obligations and employee handbook obligations.

An employer’s existing combined and universal leave policies (e.g., paid-time-off) that provide accrual rates and caps that are at least as generous as that in the ordinance and that allow employees paid leave for the purposes in the new ordinance will satisfy the employer’s legal obligation to provide paid leave.

Workers who work in Seattle occasionally must meet a 240-hour threshold to become eligible for paid leave under the ordinance.

Jackson Lewis attorneys are available to provide the full ordinance and to answer questions on how it applies to your business.

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