

NEW YEAR'S SURPRISE: SEATTLE CHANGES PAID SICK LEAVE LAW AT LAST MINUTE

Insights
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Washington employers are already under the gun to develop policies and practices to meet the requirements of the state's [new paid sick law](#) that takes effect on January 1, 2018. Those with multiple Washington locations have particularly been challenged to create a policy that complies with both state law and the laws in of various Washington municipalities, given that the state and city laws are not identical, and you are required to follow the law that is the "most generous" to employees.

Now the city of Seattle has added another wrinkle by amending its Paid Sick and Safe Ordinance just this week – leaving those with operations in Seattle the potential need to rework their new policies immediately. Some, but not all of the key changes include:

- **Seattle's law now applies to all employers.** The law previously applied only if your company had four full-time employees or more. Now even just one Seattle employee is enough.
- **No replacements.** While the city's enforcement office already informally held this position, the law now clearly prohibits you from requiring employees to find someone to cover their shifts.
- **No more eating-and-drinking-establishment exception.** The city has eliminated the "eating-and-drinking-establishment" exception, which previously allowed those employers to offer a shift swap instead of time off and still deduct paid sick leave hours from the employee's bank.

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- **Waiting period for use reduced to 90 days.** This brings Seattle's previous 180-day waiting period in line with the new state law.
- **No more waivers.** Seattle's law allowed employers and employees to collectively bargain paid sick leave. Waivers are no longer viable, except for provisions of the Seattle law that are more generous than the state's new requirements (e.g., the more generous accrual rate for large size employers). However, even this exception will disappear on December 31, 2018.
- **No more cap on use.** You may no longer cap an employee's annual use of paid sick or save leave. You may only cap the annual carryover – not the accrued hours or use.
- **New definition of "family."** To bring its law in alignment with the state's, Seattle now mandates that paid sick leave can be used to care for any age child, siblings, or grandchildren, in addition to already covered family members.
- **Exempt employees still covered.** Even though the new statewide law exempts workers who are correctly classified as overtime exempt under the so-called white collar exemptions, Seattle's law does not. However, you are not required to credit paid sick and safe time beyond a 40 hour work week.

For more information about this law and how to ensure compliance, please contact any member of [our Seattle office](#) at 206.682.2308, or your regular Fisher Phillips attorney.

This Legal Alert provides an overview of a specific new law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.