**[Company Name]** Paid Sick Leave Policy

**[Insert optional company introduction here]**

Paid Sick Leave Accrual and Availability

Accrual

* Employees accrue one hour of paid sick leave for every 40 hours worked.
* Employees are not entitled to accrue paid sick leave for hours paid while not working (such as vacation, paid holidays, or while using paid sick leave).

Availability

* Employees are entitled to use their accrued, unused paid sick leave beginning on the 90th calendar day after the start of their employment.
* After this 90-day period, employers must make accrued paid sick leave available to employees for use within **[define the timeframe, which must be consistent with the company’s established payment interval or leave records management system, not to exceed one month after the date of accrual]**.

Authorized Uses of Paid Sick Leave

Care of the employee or the employee’s family member

* Employees may use their accrued, unused paid sick leave hours to care for themselves or a family member (definition below) for:
  + Mental or physical illnesses, injuries, or health conditions;
  + The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
  + The need for preventive medical care.
* For the use of paid sick leave for an employee’s family member, family member is defined as:
  + A child;
    - Including a biological, adopted, or foster child, stepchild, a child’s spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
  + A parent;
    - Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
  + A spouse;
  + A registered domestic partner;
  + A grandparent;
  + A grandchild;
  + A sibling; or
  + An individual who depends on the employee for care.

Closure of the company or the employee’s child’s school or place of care

* Employees may use their accrued, unused paid sick leave when **[company name]** has been closed by order of a public official for any health-related reason or emergency declaration; or
* When an employee's child's school or place of care has been closed by order of a public official for any health-related reason or emergency declaration.
  + Please see the definition of “child” in the previous section.

To address issues related to domestic violence, sexual assault, or stalking

* Employees may use their accrued, unused paid sick leave to:
  + Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family 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;
  + Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking;
  + Attend health care treatment for a victim who is the employee's family member;
  + Obtain, or assist the employee's family member(s) in obtaining, services from: A domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault, or stalking.
  + Obtain, or assist a family 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 member was a victim of domestic violence, sexual assault, or stalking.
  + Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.
* For purposes of leave related to domestic violence, sexual assault, or stalking, family member has the following definition:
  + Any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

## Shared Leave Program

If your company would like to have a shared leave program, insert that policy language here. (A sample reasonable notice policy can be found here: <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/EmployerInfo.asp>). Otherwise, remove this section.

Verification for Absences Exceeding Three Days

If your company would like to require verification for absences that exceed three days, insert that policy language here. (A sample verification policy can be found here: <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/EmployerInfo.asp>). Otherwise, remove this section.

## Employee Reasonable Notice for the Use of Paid Sick Leave

If your company wants to require that reasonable notice for use of paid sick leave be given, insert that policy here. (A sample reasonable notice policy can be found here: <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/EmployerInfo.asp>). Otherwise, remove this section.

## Frontloading Paid Sick Leave

If your company would like to frontload an employee’s paid sick leave before accrual, insert that policy language here. (A sample frontloading policy can be found here: <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/VacaySick/EmployerInfo.asp>). Otherwise, remove this section.

Paid Sick Leave Increments of Use

* **[Company name]** requires employees to use paid sick leave in increments of **[increments consistent with the employer's payroll system and practices, not to exceed one hour.]** 
  + **[For example, if an employer's normal practice is to track increments of work for the purposes of compensation in 15-minute increments, then an employer must allow employees to use paid sick leave in 15-minute increments.]**

Rate of Pay for Use of Paid Sick Leave

* Employees must be paid their “normal hourly compensation” for each hour of paid sick leave used.
  + “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick leave.
  + Normal hourly compensation does not include tips, gratuities, service charges, holiday pay, or other premium rates **[unless the employer or a collective bargaining agreement allows for such considerations]**.
* For employees who use paid sick leave for hours that would have been overtime hours if worked, **[company name]** is not required to apply overtime standards to an employee's normal hourly compensation.
* For employees not paid a uniform hourly rate, please see [WAC 296-128-670](https://app.leg.wa.gov/wac/default.aspx?cite=296-128-670) for more information on calculating normal hourly compensation for such employees.

Payment for the Use of Paid Sick Leave

* **[Company name]** must pay paid sick leave to an employee no later than the payday for the pay period in which the paid sick leave was used by the employee.
  + **[Note:** **If an employer requires verification for absences exceeding three days, such payment must be made no later than the payday for the pay period during which verification was provided to the employer.]**

Carryover of Accrued, Unused Paid Sick Leave to the Next Year

Carryover Requirements

* Accrued, unused paid sick leave balances of 40 hours or less must carry over to the following year.
  + For example, if an employee has 25 hours of accrued, unused paid sick leave at the end of the year, all 25 hours must carry over to the following year.
* If an employee carries over unused paid sick leave to the following year, accrual of paid sick leave in the subsequent year would be in addition to the hours accrued in the previous year and carried over.
  + **[Company name]** will **[cash out, require the employee to forfeit the paid sick leave, or offer a more generous carryover]** for paid sick leave balances in excess of 40 hours at the end of a year.

Definition of Year

* The accrual year is January 1 – December 31. **[An employer may adopt a different fixed consecutive 12-month period. If the employer chooses to do this, insert the section below.]**
* Accrual year is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  + **[Identify year – such as fiscal year, benefit year, employment year, or anniversary year.]**

Separation and Reinstatement

Separation

* If an employee separates from employment, there **[will/will not]** be financial or other reimbursement to the employee for accrued, unused paid sick leave balances available at the time of separation.
  + [**Note:** **If an employer chooses to reimburse an employee for any portion of their accrued, unused paid sick leave at the time the employee separates from employment, any such terms for reimbursement must be mutually agreed upon in writing by both the employer and the employee, unless the right to such reimbursement is set forth elsewhere in state law or through a collective bargaining agreement. Additionally, some construction workers who have worked less than 90 days may be entitled to reimbursement for paid sick leave accruals.]**

Reinstatement of Paid Sick Leave Hours Upon Rehire

* **[Company name]** must reinstate an employee's previously accrued, unused paid sick leave if it rehires an employee within 12 months of separation.
  + **Note:** 
    - An employer is not required to reinstate any hours of paid sick leave previously provided to the employee through financial or other reimbursement at the time of separation, as long as the value of the paid sick leave was paid at a rate that was at least equal to the employee's normal hourly compensation for each hour of accrued, unused paid sick leave.
    - If the period of time an employee separates from employment extends into the following year (see definition under “Definition of Year”), an employer is not required to reinstate more than 40 hours of accrued, unused paid sick leave.
* Upon rehire, **[company name]** must provide notification to the employee of the amount of accrued, unused paid sick leave available for use by the employee.
* If an employee is rehired within 12 months of separation, the employee will not be required to wait another 90 calendar days to use their accrued, unused paid sick leave if the employee met that requirement during the previous period of employment.
  + If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for **[company name]** will count towards the 90 days for purposes of determining the employee’s eligibility to use paid sick leave.

Retaliation Prohibited by Law

* Any discrimination or retaliation against an employee for the lawful exercise of paid sick leave rights is not allowed**. [Company name]** will not discriminate or retaliate against an employee for the lawful exercise of Minimum Wage Act rights.
* **[Company name]** may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.
* If an employee feels they are being discriminated or retaliated against for the exercise of their Minimum Wage Act rights, the employee may contact **[insert company point of contact or company’s civil rights or human resources contact information].**
* If an employee is not satisfied with the **[company name’s]** response, the employee may contact the Washington State Department of Labor & Industries.
  + Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)
  + Call: 1-866-219-7321, toll-free
  + Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)
  + Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

Required Notification

Initial Notification of Rights

* At the start of employment **[or no later than March 1, 2018, for existing employees]**, **[company name]** will provide employees with notice of their paid sick leave rights. This notice will include information regarding:
  + An employee’s entitlement to paid sick leave;
  + The rate at which the employee will accrue paid sick leave;
  + The authorized purposes under which an employee may use paid sick leave; and
  + That retaliation by **[company name]** for the employee's lawful use of paid sick leave and other rights provided under the Minimum Wage Act is prohibited.
* **[Company name]** will make this information readily available to all employees.
* [**Note:** The Department of Labor & Industries has developed an [Employee Paid Sick Leave Notification form](http://www.lni.wa.gov/WorkplaceRights/files/FamilyLeave/EmployeePaidSickLeaveNotificationForm.docx).]

Ongoing Notification

* At least once a month, **[company name]** will provide notice to its employees of:
  + The amount of paid sick leave accrued since notice was last made;
  + The amount of paid sick leave reductions since notice was last made; and
  + The total amount of unused paid sick leave available for use by the employee.
* [**Note:** **Employers may satisfy these notification requirements by providing this information in regular payroll statements.]**

Contact Information

* Employees with questions about this paid sick leave policy may contact **[insert company point of contact]**.