

In 2016 Washington voters approved two new noteworthy laws: an increase in the minimum wage and requiring employers provide mandatory paid sick leave.

Increase of the Minimum Wage

Washington's minimum wage for workers over the age of 18 will increase according to the following schedule:

Effective Date	New Minimum Wage
January 1, 2017	\$11.00
January 1, 2018	\$11.50
January 1, 2019	\$12.00
January 1, 2020	\$13.50
After 2020	Every September 30th, the Washington Department of Labor & Industries ("L&I") will calculate an adjusted minimum wage to create a new wage rate for the coming year.

NOTE: Tips and service charges cannot be included as part of an employee's minimum wage rate.

In those cities where the existing minimum wage rates are higher than the new state minimum wage, the higher rates will continue to apply.

Mandatory Paid Sick Leave

Beginning January 1, 2018, every employer in Washington must provide employees with paid sick leave, with the following terms:

Accrual rate of paid sick leave	An employee must accrue at least one hour of paid sick leave for every 40 hours worked.
Cap for accrual of leave?	The Initiative does not include any provision allowing for a cap of accrual of paid sick leave. However, employees may only carry over up to 40 hours of accrued leave from one calendar year to the next.
What about front-loading leave?	Front-loading leave is permitted so long as the front-loading meets or exceeds requirements for accrual, use, and carryover.
When can an employee use paid sick leave?	An employee may use his or her accrued sick leave for absences related to: • The employee's or a family member's illness, injury, or health condition; • The employee's or a family member's need for medical diagnosis, care, or treatment or preventative medical care;

	• When the workplace or when the employee's child's school or daycare has been closed by order of a public official for any health-related reason; or • Domestic violence-related reasons covered under chapter 49.76 RCW.
How is "family member" defined for purposes of use of Washington paid sick leave?	A "family member" includes: • A child (biological, adopted, foster, or stepchild, or someone to whom the employee stands in loco parentis or as a legal guardian), regardless of age; • A parent (biological, adoptive, de facto, foster, or stepparent; legal guardian; or parent-in-law); • A spouse or registered domestic partner; • A grandparent; • A grandchild; or • A sibling.
Accrued sick leave start date	An employee may begin using accrued paid sick leave on the 90th calendar day after his or her employment begins.
Carry over from one calendar year to the next	An employee may carry over up to 40 hours of accrued leave.
Employee notice before taking leave	An employer may require employees to give reasonable notice, so long as the requirement does not interfere with the employee's lawful use of leave. Reasonable notice may be 10 – 30 days.
Are employers permitted to request verification supporting the leave?	If an employee is absent for more than three days, the employer may require verification that the leave is for a covered purpose. Verification requirements may not result in an unreasonable burden or expense to the employee or exceed privacy or verification requirements otherwise established by law.
Paid sick leave and shift coverage	Employees are still entitled to take paid sick leave even if he or she does not search for or find coverage.
Use of paid sick leave and retaliation	Employers are prohibited from retaliating or discriminating against employees based on their use of paid sick leave, and

are prohibited from adopting policies that count use of paid sick time as absences leading to discipline.

Pay out of sick leave at termination of employment

Absent an employer policy to the contrary, accrued paid sick leave need not be cashed out at termination.

What if an employee is rehired?

If an employee is rehired by the same employer within 12 months of separation, previously accrued and unused paid sick leave must be reinstated, and the employee's prior period of employment must be counted for purposes of determining eligibility to use paid sick leave.

Washington L&I is authorized to promulgate regulations to implement and enforce these new provisions, but it is not yet clear when those will be issued.

Covered Seattle employers must continue to comply with the Seattle Paid Sick and Safe Time Ordinance in 2017 and, to the extent it provides greater coverage or more benefits for employees than the state statute, in 2018 and beyond.