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### EMPLOYMENT LAW UPDATE

The Seattle City Council has voted to approve mandatory paid sick and safe time for most employees that work in Seattle. All employers with employees that work within the city limits of Seattle need to closely review their personnel policies to ensure compliance. For compliance assistance or questions, please feel free to contact Tamara L. Roe ([troe@mpba.com](mailto:troe@mpba.com)) or Luke J. Campbell ([lcampbell@mpba.com](mailto:lcampbell@mpba.com)).

The ordinance, which becomes effective September 1, 2012, applies to any employer that employs more than four (4) full-time equivalent (“FTE”) employees, including part-time and temporary employees.

Employers are divided into “Tiers” based on their FTE Employees, as measured by the FTE paid over weekly averages over the preceding calendar year (or if a new employer, as measured by its first 90 days).

Employer Class	Tier One	Tier Two	Tier Three
FTE Employees	> 4 < 50	=> 50 < 250	=> 250
Effective Date for New Employers	24 months after hiring first employee	24 months after hiring first employee	Immediately
Employee’s Paid Time Accrual Rate	1 hour per 40 hours worked	1 hour per 40 hours worked	1 hour per 30 hours worked
Maximum Paid Time Used Per Year	40 hours	56 hours	72 hours
Maximum Carry Over Per Year	40 hours	56 hours	72 hours
Minimum If Using Combined Paid Time Off (PTO)	40 hours	56 hours	108 hours

Employees must be employed for more than 180 days and perform work in Seattle to be eligible for benefits. If an employee works inside and outside Seattle, the employee must perform 240 hours of work in Seattle during a calendar year to be eligible for benefits.

Generally, paid sick and safe time may be used for medical reasons, as well as to care for a family member. Paid sick and safe time may also be used for issues relating to domestic violence, sexual assault and stalking, including supporting a family member who has experience domestic violence, sexual assault or stalking. Employees may also use the paid leave due to closure of the employer's business for certain health reasons and for closure of the employee's child's school or place of care for health issues.

Employees must provide ten days notice for foreseeable absences and notice "as soon as is practicable" for unforeseeable absences. An employer may require reasonable documentation for any time off extending for more than three consecutive days, though the employer may have to share in medical expenses if the employee is not covered by health insurance.

Each time wages are paid, employers must provide employees with notice of the amount of paid time available to the individual employees. Employers must also provide employees with notice of their rights under this ordinance. The Seattle Office of Human Rights will publish form notices. Employers must maintain employee records demonstrating their compliance, must segregate medical records from the usual personnel file, and must keep confidential all information provided by employees to support paid time off.

The ordinance will be enforced by the Seattle Office of Civil Rights. Employers are prohibited from interfering with, restraining, or denying the rights of any person under the ordinance. Employers may not discriminate or otherwise take adverse action against employees that in good faith exercise their rights under the ordinance. Damages can include back pay, lost benefits, attorney's fees, up to \$10,000 in compensation for humiliation or mental sufferings, and reinstatement or rehiring of the employee.

Again, please feel free to contact Tamara L. Roe ([troe@mpba.com](mailto:troe@mpba.com)) or Luke J. Campbell ([lcampbell@mpba.com](mailto:lcampbell@mpba.com)) should you have any questions about this ordinance or any other legal issue.

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