
SENATE BILL 5559

State of Washington

67th Legislature

2022 Regular Session

By Senators Van De Wege and Keiser

Prefiled 12/17/21.

1 AN ACT Relating to verification for use of paid sick leave; and
2 amending RCW 49.46.210.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.46.210 and 2019 c 236 s 3 are each amended to
5 read as follows:

6 (1) Beginning January 1, 2018, except as provided in RCW
7 49.46.180, every employer shall provide each of its employees paid
8 sick leave as follows:

9 (a) An employee shall accrue at least one hour of paid sick leave
10 for every forty hours worked as an employee. An employer may provide
11 paid sick leave in advance of accrual provided that such front-
12 loading meets or exceeds the requirements of this section for
13 accrual, use, and carryover of paid sick leave.

14 (b) An employee is authorized to use paid sick leave for the
15 following reasons:

16 (i) An absence resulting from an employee's mental or physical
17 illness, injury, or health condition; to accommodate the employee's
18 need for medical diagnosis, care, or treatment of a mental or
19 physical illness, injury, or health condition; or an employee's need
20 for preventive medical care;

1 (ii) To allow the employee to provide care for a family member
2 with a mental or physical illness, injury, or health condition; care
3 of a family member who needs medical diagnosis, care, or treatment of
4 a mental or physical illness, injury, or health condition; or care
5 for a family member who needs preventive medical care; and

6 (iii) When the employee's place of business has been closed by
7 order of a public official for any health-related reason, or when an
8 employee's child's school or place of care has been closed for such a
9 reason.

10 (c) An employee is authorized to use paid sick leave for absences
11 that qualify for leave under the domestic violence leave act, chapter
12 49.76 RCW.

13 (d) An employee is entitled to use accrued paid sick leave
14 beginning on the ninetieth calendar day after the commencement of his
15 or her employment.

16 (e) Employers are not prevented from providing more generous paid
17 sick leave policies or permitting use of paid sick leave for
18 additional purposes.

19 (f) An employer may require employees to give reasonable notice
20 of an absence from work, so long as such notice does not interfere
21 with an employee's lawful use of paid sick leave.

22 (g) ~~((For))~~ (i) Except as provided in (g)(iii) of this
23 subsection, for absences exceeding three days, an employer may
24 require verification that an employee's use of paid sick leave is for
25 an authorized purpose. If an employer requires verification,
26 verification must be provided to the employer within a reasonable
27 time period during or after the leave.

28 (ii) An employer's requirements for verification may not result
29 in an unreasonable burden or expense on the employee and may not
30 exceed privacy or verification requirements otherwise established by
31 law.

32 (iii)(A) For verification for an authorized purpose under (b)(i)
33 of this subsection for absences exceeding three days, an employer who
34 does not offer a health insurance plan as an employee benefit and
35 pays at least 85 percent of the cost of the insurance:

36 (I) May only require an oral or written explanation provided by
37 the employee as verification that an employee's use of paid sick
38 leave is for the authorized purpose; and

39 (II) May not require a medical examination or statement from a
40 health care provider.

1 (B) Any verification under this subsection (1)(g)(iii) must also
2 be consistent with any rules adopted by the department of labor and
3 industries.

4 (h) An employer may not require, as a condition of an employee
5 taking paid sick leave, that the employee search for or find a
6 replacement worker to cover the hours during which the employee is on
7 paid sick leave.

8 (i) For each hour of paid sick leave used, an employee shall be
9 paid the greater of the minimum hourly wage rate established in this
10 chapter or his or her normal hourly compensation. The employer is
11 responsible for providing regular notification to employees about the
12 amount of paid sick leave available to the employee.

13 (j) Unused paid sick leave carries over to the following year,
14 except that an employer is not required to allow an employee to carry
15 over paid sick leave in excess of forty hours.

16 (k) This section does not require an employer to provide
17 financial or other reimbursement for accrued and unused paid sick
18 leave to any employee upon the employee's termination, resignation,
19 retirement, or other separation from employment. When there is a
20 separation from employment and the employee is rehired within twelve
21 months of separation by the same employer, whether at the same or a
22 different business location of the employer, previously accrued
23 unused paid sick leave shall be reinstated and the previous period of
24 employment shall be counted for purposes of determining the
25 employee's eligibility to use paid sick leave under ~~((subsection~~
26 ~~(1))~~) (d) of this ~~((section))~~ subsection.

27 (2) For purposes of this section, "family member" means any of
28 the following:

29 (a) A child, including a biological, adopted, or foster child,
30 stepchild, or a child to whom the employee stands in loco parentis,
31 is a legal guardian, or is a de facto parent, regardless of age or
32 dependency status;

33 (b) A biological, adoptive, de facto, or foster parent,
34 stepparent, or legal guardian of an employee or the employee's spouse
35 or registered domestic partner, or a person who stood in loco
36 parentis when the employee was a minor child;

37 (c) A spouse;

38 (d) A registered domestic partner;

39 (e) A grandparent;

40 (f) A grandchild; or

1 (g) A sibling.

2 (3) An employer may not adopt or enforce any policy that counts
3 the use of paid sick leave time as an absence that may lead to or
4 result in discipline against the employee.

5 (4) An employer may not discriminate or retaliate against an
6 employee for his or her exercise of any rights under this chapter
7 including the use of paid sick leave.

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