
SENATE BILL 5793

State of Washington

68th Legislature

2024 Regular Session

By Senator Saldaña

Prefiled 12/04/23.

1 AN ACT Relating to paid sick leave; and amending RCW 49.46.210.

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

3 **Sec. 1.** RCW 49.46.210 and 2023 c 267 s 1 are each amended to
4 read as follows:

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

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

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

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

20 (ii) To allow the employee to provide care for a family member
21 with a mental or physical illness, injury, or health condition; care

1 of a family member who needs medical diagnosis, care, or treatment of
2 a mental or physical illness, injury, or health condition; or care
3 for a family member who needs preventive medical care; and

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

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

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

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

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

20 (g) For absences exceeding three days, an employer may require
21 verification that an employee's use of paid sick leave is for an
22 authorized purpose. If an employer requires verification,
23 verification must be provided to the employer within a reasonable
24 time period during or after the leave. An employer's requirements for
25 verification may not result in an unreasonable burden or expense on
26 the employee and may not exceed privacy or verification requirements
27 otherwise established by law.

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

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

37 (j) Except as provided in (l) of this subsection, accrued and
38 unused paid sick leave carries over to the following year, but an
39 employer is not required to allow an employee to carry over paid sick
40 leave in excess of 40 hours.

1 (k) Except as provided in (l) of this subsection, an employer is
2 not required to provide financial or other reimbursement for accrued
3 and unused paid sick leave to any employee upon the employee's
4 termination, resignation, retirement, or other separation from
5 employment. When there is a separation from employment and the
6 employee is rehired within 12 months of separation by the same
7 employer, whether at the same or a different business location of the
8 employer, previously accrued unused paid sick leave shall be
9 reinstated and the previous period of employment shall be counted for
10 purposes of determining the employee's eligibility to use paid sick
11 leave under ~~((subsection (1)))~~ (d) of this ~~((section))~~ subsection. For
12 purposes of this subsection (1)(k), "previously accrued and unused
13 paid sick leave" does not include sick leave paid out to a
14 construction worker under (l) of this subsection.

15 (l) For workers covered under the North American industry
16 classification system industry code 23, except for North American
17 industry classification system code 236100, residential building
18 construction, who have not met the 90th day eligibility under (d) of
19 this subsection at the time of separation, the employer must pay the
20 former worker the balance of their accrued and unused paid sick leave
21 at the end of the established pay period, pursuant to RCW
22 49.48.010(2), following the worker's separation.

23 ~~((For purposes of this section, "family member" means any of
24 the following))~~ The definitions in this subsection apply throughout
25 this section, except for subsection (5) of this section:

26 (a) ~~((A child, including))~~ "Family member" means a child,
27 grandchild, grandparent, parent, sibling, or spouse of an employee,
28 and also includes any individual who regularly resides in the
29 employee's home or where the relationship creates an expectation that
30 the employee care for the person, and that individual depends on the
31 employee for care. "Family member" includes any individual who
32 regularly resides in the employee's home, except that it does not
33 include an individual who simply resides in the same home with no
34 expectation that the employee care for the individual.

35 (b) "Child" means a biological, adopted, or foster child, a
36 stepchild, a child's spouse, or a child to whom the employee stands
37 in loco parentis, is a legal guardian, or is a de facto parent,
38 regardless of age or dependency status((†)).

39 (c) "Grandchild" means a child of the employee's child.

40 (d) "Grandparent" means a parent of the employee's parent.

1 (~~(b)A~~) (e) "Parent" means the biological, adoptive, de facto,
2 or foster parent, stepparent, or legal guardian of an employee or the
3 employee's spouse (~~(or registered domestic partner)~~), or (~~(a person)~~)
4 an individual who stood in loco parentis to an employee when the
5 employee was a (~~(minor)~~) child(~~(~~

6 ~~(c) A spouse;~~

7 ~~(d) A registered domestic partner;~~

8 ~~(e) A grandparent;~~

9 ~~(f) A grandchild; or~~

10 ~~(g) A sibling)~~.

11 (f) "Spouse" means a husband or wife, as the case may be, or
12 state registered domestic partner.

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

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

19 (5)(a) The definitions in this subsection apply to this
20 subsection:

21 (i) "Average hourly compensation" means a driver's compensation
22 during passenger platform time from, or facilitated by, the
23 transportation network company, during the 365 days immediately prior
24 to the day that paid sick time is used, divided by the total hours of
25 passenger platform time worked by the driver on that transportation
26 network company's driver platform during that period. "Average hourly
27 compensation" does not include tips.

28 (ii) "Driver," "driver platform," "passenger platform time," and
29 "transportation network company" have the meanings provided in RCW
30 49.46.300.

31 (iii) "Earned paid sick time" is the time provided by a
32 transportation network company to a driver as calculated under this
33 subsection. For each hour of earned paid sick time used by a driver,
34 the transportation network company shall compensate the driver at a
35 rate equal to the driver's average hourly compensation.

36 (iv) For purposes of drivers, (~~("family member" means any of the~~
37 ~~following)~~) the following definitions apply:

38 (A) (~~(A child, including)~~) "Family member" means a child,
39 grandchild, grandparent, parent, sibling, or spouse of a driver, and
40 also includes any individual who regularly resides in the driver's

1 home or where the relationship creates an expectation that the driver
2 care for the person, and that individual depends on the driver for
3 care. "Family member" includes any individual who regularly resides
4 in the driver's home, except that it does not include an individual
5 who simply resides in the same home with no expectation that the
6 driver care for the individual.

7 (B) "Child" means a biological, adopted, or foster child, a
8 stepchild, a child's spouse, or a child to whom the driver stands in
9 loco parentis, is a legal guardian, or is a de facto parent,
10 regardless of age or dependency status((†)).

11 (C) "Grandchild" means a child of the driver's child.

12 (D) "Grandparent" means a parent of the driver's parent.

13 ~~((B) A)~~ (E) "Parent" means the biological, adoptive, de facto,
14 or foster parent, stepparent, or legal guardian of a driver or the
15 driver's spouse ((or registered domestic partner)), or ((a person))
16 an individual who stood in loco parentis to a driver when the driver
17 was a ((minor)) child((†)

18 ~~(C) A spouse;~~

19 ~~(D) A registered domestic partner;~~

20 ~~(E) A grandparent;~~

21 ~~(F) A grandchild; or~~

22 ~~(G) A sibling)).~~

23 (F) "Spouse" means a husband or wife, as the case may be, or
24 state registered domestic partner.

25 (b) Beginning January 1, 2023, a transportation network company
26 must provide to each driver operating on its driver platform
27 compensation for earned paid sick time as required by this subsection
28 and subject to the provisions of this subsection. A driver shall
29 accrue one hour of earned paid sick time for every 40 hours of
30 passenger platform time worked.

31 (c) A driver is entitled to use accrued earned paid sick time
32 upon recording 90 hours of passenger platform time on the
33 transportation network company's driver platform.

34 (d) For each hour of earned paid sick time used, a driver shall
35 be paid the driver's average hourly compensation.

36 (e) A transportation network company shall establish an
37 accessible system for drivers to request and use earned paid sick
38 time. The system must be available to drivers via smartphone
39 application and online web portal.

1 (f) A driver may carry over up to 40 hours of unused earned paid
2 sick time to the next calendar year. If a driver carries over unused
3 earned paid sick time to the following year, accrual of earned paid
4 sick time in the subsequent year must be in addition to the hours
5 accrued in the previous year and carried over.

6 (g) A driver is entitled to use accrued earned paid sick time if
7 the driver has used the transportation network company's platform as
8 a driver within 90 calendar days preceding the driver's request to
9 use earned paid sick time.

10 (h) A driver is entitled to use earned paid sick time for the
11 following reasons:

12 (i) An absence resulting from the driver's mental or physical
13 illness, injury, or health condition; to accommodate the driver's
14 need for medical diagnosis, care, or treatment of a mental or
15 physical illness, injury, or health condition; or an employee's need
16 for preventive medical care;

17 (ii) To allow the driver to provide care for a family member with
18 a mental or physical illness, injury, or health condition; care of a
19 family member who needs medical diagnosis, care, or treatment of a
20 mental or physical illness, injury, or health condition; or care for
21 a family member who needs preventive medical care;

22 (iii) When the driver's child's school or place of care has been
23 closed by order of a public official for any health-related reason or
24 has been closed due to weather or a public emergency;

25 (iv) For absences for which an employee would be entitled for
26 leave under RCW 49.76.030; and

27 (v) During a deactivation or other status that prevents the
28 driver from performing network services on the transportation network
29 company's platform, unless the deactivation or status is due to a
30 verified allegation of sexual assault or physical assault perpetrated
31 by the driver.

32 (i) If a driver does not record any passenger platform time in a
33 transportation network company's driver platform for 365 or more
34 consecutive days, any unused earned paid sick time accrued up to that
35 point with that transportation network company is no longer valid or
36 recognized.

37 (j) Drivers may use accrued days of earned paid sick time in
38 increments of a minimum of four or more hours. Drivers are entitled
39 to request four or more hours of earned paid sick time for immediate
40 use, including consecutive days of use. Drivers are not entitled to

1 use more than eight hours of earned paid sick time within a single
2 calendar day.

3 (k) A transportation network company shall compensate a driver
4 for requested hours or days of earned paid sick time no later than 14
5 calendar days or the next regularly scheduled date of compensation
6 following the requested hours or days of earned paid sick time.

7 (l) A transportation network company shall not request or require
8 reasonable verification of a driver's qualifying illness except as
9 would be permitted to be requested of an employee under subsection
10 (1)(g) of this section. If a transportation network company requires
11 verification pursuant to this subsection, the transportation network
12 company must compensate the driver for the requested hours or days of
13 earned paid sick time no later than the driver's next regularly
14 scheduled date of compensation after satisfactory verification is
15 provided.

16 (m) If a driver accepts an offer of prearranged services for
17 compensation from a transportation network company during the four-
18 hour period or periods for which the driver requested earned paid
19 sick time, a transportation network company may determine that the
20 driver did not use earned paid sick time for an authorized purpose.

21 (n) A transportation network company shall provide each driver
22 with:

23 (i) Written notification of the current rate of average hourly
24 compensation while a passenger is in the vehicle during the most
25 recent calendar month for use of earned paid sick time;

26 (ii) An updated amount of accrued earned paid sick time since the
27 last notification;

28 (iii) Reduced earned paid sick time since the last notification;

29 (iv) Any unused earned paid sick time available for use; and

30 (v) Any amount that the transportation network company may
31 subtract from the driver's compensation for earned paid sick time.

32 The transportation network company shall provide this information to
33 the driver no less than monthly. The transportation network company
34 may choose a reasonable system for providing this notification,
35 including but not limited to: A pay stub; a weekly summary of
36 compensation information; or an online system where drivers can
37 access their own earned paid sick time information. A transportation
38 network company is not required to provide this information to a
39 driver if the driver has not worked any days since the last
40 notification.

1 (o) A transportation network company may not adopt or enforce any
2 policy that counts the use of earned paid sick time as an absence
3 that may lead to or result in any action that adversely affects the
4 driver's use of the transportation network.

5 (p) A transportation network company may not take any action
6 against a driver that adversely affects the driver's use of the
7 transportation network due to his or her exercise of any rights under
8 this subsection including the use of earned paid sick time.

9 (q) The department may adopt rules to implement this subsection.

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