
SUBSTITUTE SENATE BILL 5793

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Saldaña, Keiser, Kuderer, Lovelett, Nobles, Stanford, Valdez, and C. Wilson)

1 AN ACT Relating to paid sick leave; amending RCW 49.46.210;
2 creating a new section; and providing an effective date.

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

4 **Sec. 1.** RCW 49.46.210 and 2023 c 267 s 1 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 health-related reason or a public emergency.

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

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

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

39 (j) Except as provided in (l) of this subsection, accrued and
40 unused paid sick leave carries over to the following year, but an

1 employer is not required to allow an employee to carry over paid sick
2 leave in excess of 40 hours.

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

17 (l) For workers covered under the North American industry
18 classification system industry code 23, except for North American
19 industry classification system code 236100, residential building
20 construction, who have not met the 90th day eligibility under (d) of
21 this subsection at the time of separation, the employer must pay the
22 former worker the balance of their accrued and unused paid sick leave
23 at the end of the established pay period, pursuant to RCW
24 49.48.010(2), following the worker's separation.

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

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

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

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

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

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

8 ~~(c) A spouse;~~

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

10 ~~(e) A grandparent;~~

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

12 ~~(g) A sibling).~~

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

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

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

21 (5)(a) The definitions in this subsection apply to this
22 subsection:

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

30 (ii) "Driver," "driver platform," "passenger platform time," and
31 "transportation network company" have the meanings provided in RCW
32 49.46.300.

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

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

1 (A) (~~(A child, including)~~) "Family member" means a child,
2 grandchild, grandparent, parent, sibling, or spouse of a driver, and
3 also includes any individual who regularly resides in the driver's
4 home or where the relationship creates an expectation that the driver
5 care for the person, and that individual depends on the driver for
6 care. "Family member" includes any individual who regularly resides
7 in the driver's home, except that it does not include an individual
8 who simply resides in the same home with no expectation that the
9 driver care for the individual.

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

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

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

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

21 ~~(C) A spouse;~~

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

23 ~~(E) A grandparent;~~

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

25 ~~(G) A sibling).~~

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

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

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

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

39 (e) A transportation network company shall establish an
40 accessible system for drivers to request and use earned paid sick

1 time. The system must be available to drivers via smartphone
2 application and online web portal.

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

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

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

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

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

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

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

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

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

39 (j) Drivers may use accrued days of earned paid sick time in
40 increments of a minimum of four or more hours. Drivers are entitled

1 to request four or more hours of earned paid sick time for immediate
2 use, including consecutive days of use. Drivers are not entitled to
3 use more than eight hours of earned paid sick time within a single
4 calendar day.

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

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

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

23 (n) A transportation network company shall provide each driver
24 with:

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

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

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

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

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

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

1 driver if the driver has not worked any days since the last
2 notification.

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

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

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

12 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2025.

13 NEW SECTION. **Sec. 3.** The department of labor and industries
14 must develop materials and conduct outreach to inform individuals and
15 businesses of the new provisions of this act.

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