

Washington

Beginning in January 2018, employees in Washington state will accrue an hour of paid sick leave for every 40 hours they work.

Employees may use the time to address their own or a family member's medical care, to cover lost wages if the employee's place of business or a child's school closes for health-related reasons, or for domestic violence issues.

They will also be entitled to carry over up to 40 hours of accrued but unused leave to the next year.

In addition to the new statewide law in Washington, there are existing citywide ordinances in Seattle and Tacoma, and a Spokane law is scheduled to take effect in 2017.

There is also an ordinance specifically for hospitality and transportation workers in the city of SeaTac—a small area around the Seattle-Tacoma International Airport.

Employers in Washington may be wondering if they can now just follow the state law and ignore the city laws, Morisset said, but "the answer is no."

Employers have to comply with the provisions that are the most favorable to employees, she said.

Sometimes that might be the state law, and sometimes that might be the local law.

For example, Seattle has a tiered system as follows:

	Tier 1: Small Employer	Tier 2: Midsize Employer	Tier 3: Large Employer
Number of full-time equivalent employees	5–49	50–249	250+
Accrual rate	1 hour per 40 hours worked	1 hour per 40 hours worked	1 hour per 30 hours worked
Carryover to next year	40 hours	56 hours	72 hours (or 108 hours for employers with paid-time-off plans)

The statewide law will only provide the level of benefits offered in Seattle's first tier, Morisset explained. Therefore, midsize and large employers in Seattle will still have to offer the more generous provisions under the citywide law.

However, Seattle's law is less favorable to employees in some ways. For example, employers don't have to let new employees use their accrued time off until they've been

employed for 180 days, whereas the statewide measure permits employees to begin using the time after 90 days.

Because this aspect of the statewide law is more generous to employees, Seattle employers will need to follow state law in that regard, noted Bryan O'Connor, an attorney with Jackson Lewis in Seattle.