

Using paid sick leave for immigration proceedings



The 2025 Washington State Legislature passed and Governor Bob Ferguson signed Engrossed Substitute House Bill 1875 (ESHB 1875), which allows employees to use paid sick leave to participate in or prepare for qualifying immigration proceedings. Employees may also use paid sick leave for immigration proceedings of a family member.

The law covers all employees in Washington State, regardless of their immigration status, and their family members. It also covers transportation network company drivers and their family members. The Washington State Department of Labor & Industries (L&I) is responsible for enforcing the law.

Qualifying immigration proceedings

Any judicial or administrative immigration proceeding involving an employee or an employee's family member.

Accrual

- Employees must be provided with at least one hour of paid sick leave for every 40 hours worked, for all hours worked.
- There is no cap on the amount of paid sick leave an employee can accrue, and employers may provide more generous protections to their employees.
- Employees with unused paid sick leave at the end of the year may carry over up to 40 hours of unused paid sick leave into the following year. Paid sick leave accrued in the following year is in addition to leave carried over from the previous year.

Usage

- Employees are entitled to use accrued paid sick leave beginning on the 90th calendar day after the start of their employment.
- Other allowable uses of paid sick leave:
 - To care for their health needs or the health needs of their family members.
 - When an employee's workplace or their child's school or place of care has been closed by a public official for any health-related reason.
 - After the declaration of an emergency by a local or state government or agency, or by the federal government.
 - For absences that qualify for leave under the state's Domestic Violence Leave Act.

Verification

- Employees can be required to provide verification to the employer if their absence exceeds three consecutive days and the employer has a compliant verification policy. The employer must notify employees of such policy or agreement.
- For sick leave used for immigration proceedings, employers must accept documentation from either:
 - An advocate for immigrants or refugees
 - An attorney
 - A member of the clergy
 - Other professionals



- A written statement from the employee describing the immigration proceeding may also be used as verification.
- All documentation or written statements must not disclose any personally identifiable information about a person's immigration status.

Retaliation protection

- Employees using accrued paid sick leave are protected from retaliation or any adverse action because of using leave. This includes counting paid sick leave as an absence that may lead to or result in disciplinary action.
- An employee is protected when they have enough paid sick leave hours available to cover an entire absence, and use the leave for a purpose allowed by law.

Filing a complaint

If employees have a complaint or suspicion about employers not providing paid sick leave, they may file a complaint with L&I. They can do so by:

- Downloading and completing the complaint form at [Lni.wa.gov/go/F700-148-000](https://lni.wa.gov/go/F700-148-000).
- Calling toll free 1-866-219-7321.
- Visiting the nearest L&I office ([Lni.wa.gov/Offices](https://lni.wa.gov/Offices)).

More information

If you would like more information or have questions, you can contact the Employment Standards Program:

- Phone: 360-902-5316 or 1-866-219-7321
- Email: ESGeneral@Lni.wa.gov