

# Paid Sick Leave Law



Employers in Washington State are required to provide paid sick leave to their employees. Some industries may have other requirements.

## Who is entitled to paid sick leave

All employees granted the protections of the State's Minimum Wage Act (RCW 49.46) are entitled to paid sick leave. This includes part-time, temporary, and seasonal employees. Immigration or documentation status does not affect an employee's entitlement to paid sick leave.

## 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. Employers may provide more generous protections to their employees than what is listed below.

## Carryover

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.

Employees may use paid sick leave:

- To care for their health needs or the health needs of their family members. Family member includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee cares for the person, and that individual depends on the employee for care.
- 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.
- To prepare for or participate in a judicial or administrative immigration proceeding for themselves or a family member.

Employers may allow employees to use paid sick leave for additional purposes.

When using paid sick leave, an employee must be able to use leave in the same increments used by their employer for tracking compensation. Employees using paid sick leave are not required to find a replacement employee to cover their absence. An employee may enter into a shift-swapping agreement instead of using available paid sick leave if mutually agreed upon by all parties involved.



## Retaliation protections when using paid sick leave

Employees using accrued paid sick leave are protected from retaliation or any adverse action as a result 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 for by law.

## Notification

Employees must be provided notification of their paid sick leave rights when they join an employer as a new employee. At least monthly, employees must be notified how much paid sick leave they have accrued and used since last notification, and how much leave they have available for use. An employer may include this information on an employee's paystub.

## Requesting verification from the employee

Employees cannot be required to provide verification, such as a doctor's note, to the employer unless their absence exceeds three consecutive days and the employer has a compliant verification policy. The employer must notify employees of such policy or agreement, including their right to assert that the verification requirement results in an unreasonable burden or expense. Employers cannot require verification include the nature of an employee's or family member's health condition.

For sick leave used for immigration proceedings, employers must accept either:

1. An employee's written statement that the leave was used for an applicable immigration proceeding, or
2. Documentation from:
  - An advocate for immigrants or refugees
  - An attorney
  - A member of the clergy
  - Other professionals

Documentation and written statements must not disclose any personally identifiable information about a person's immigration status.

## Payment of paid sick leave

Employees must be paid their leave at the rate of pay the employee would have normally earned during their absence. The leave must be paid no later than the payday for the pay period in which the leave was used.

Effective Jan. 1, 2024, under certain circumstances for some employees within the construction industry, unused paid sick leave may be required to be paid out to the employee following separation of employment.

## Filing a complaint

If you have a complaint or suspicion about your employer not providing you with paid sick leave or violating your other rights under the Minimum Wage Act, you can report it to L&I.

You can file a worker rights complaint at [Lni.wa.gov/go/F700-148-000](https://lmi.wa.gov/go/F700-148-000) or call 1-866-219-7321.

## Rideshare drivers' rights to paid sick leave

As of Jan. 1, 2023, rideshare drivers are entitled to paid sick time under separate standards. For more information about rideshare rights, go to our web page at [Lni.wa.gov/TNCDrivers](https://lmi.wa.gov/TNCDrivers).

## Sample policies, resources, and consultations

The department has sample policies drafted for employer use at [Lni.wa.gov/PaidSickLeavePolicies](https://lmi.wa.gov/PaidSickLeavePolicies).



For general information, visit L&I's public paid sick leave web page at [Lni.wa.gov/PaidSickLeave](https://lmi.wa.gov/PaidSickLeave).

The department also hosts webinars on paid sick leave each month. For calendar information, see L&I's Workshops and Training Center web page at [Lni.wa.gov/workshops-training](https://lmi.wa.gov/workshops-training).