

Primary Changes in TMC 18.10 “Paid leave”

Chapter Title.

- Chapter title changed to “Paid Sick Leave” to align with state law and to avoid confusion with paid family leave and other kinds of time off.

18.10.10 – Definitions.

- Clarifications of existing terms.
- Updates to align with state law, including:
 1. Sibling & Grandchild added to definition of family
 2. Government employers are not exempt from definition of employer

18.10.020 – Accrual.

Edits have been made to create alignment with State law:

- Removed 24 hour cap on accrual
- Adapted Premium Pay Program requirements to meet state requirements
- Accrued leave will be reinstated for employees rehired within 12 months
- Frontloading language aligned with draft State rules

18.10.030 – Use.

- Various edit made to add greater clarity.
- Language related to shifts of indeterminate length was moved from the rules to TMC 18.10.
- Various edits have been made to create alignment with State law, including:
 1. Employees are eligible to use their leave 90 days after hire.
 2. Employees can carry over of up to 40 hours of leave to a subsequent year.
 3. Leave can be used in the case of all health-related worksite closures.
 4. Employers can require documentation for absences exceeding 3 days.
 5. Increment of use will be guided by State WAC.

18.10.040 – Retaliation Prohibited.

No amendments were made.

18.10.050 – Notice & Posting.

Minor edits to provide clarity and align with enforcement practices.

18.10.060 – Employer Responsibilities.

- Gives investigators the ability to request witness names and contact information.
- Language related to successor employer was moved from the rules to TMC 18.10.

18.10.070 – Enforcement.

- Continues to mandate efforts to conciliate and settle by agreement before filing a charge when an employer has failed to comply due to reasonable cause, but provides the ability to file a charge immediate for more egregious offenses, such as willful, repeat violators.
- Adds State language related to investigative authority.
- Minor edits to provide clarity and align with current enforcement practices.

18.10.080 – Effective Date.

Updated to reflect January 1, 2018.

18.10.090 – Waiver.

It is not clear whether CBA will be permitted under state law; this section is written to allow waivers to be used if permitted by state law while retaining existing conditions for these waivers.

18.10.100 – Severability.

No amendments.