

CITY OF TACOMA PAID LEAVE ORDINANCE

ELIGIBILITY: Employees who work for 80 hours or more within the City of Tacoma in a calendar year (January 1 to December 31) are eligible to accrue paid leave. Employees are provided one hour of paid leave for every 40 hours worked within the City of Tacoma, up to 24 hours per year.

Employees shall be entitled to earn up to 24 hours of accrued paid leave in any calendar year (the first year the employee will only be able to use up to 24 hours). Employees can carry over any accrued and unused hours, up to 24 hours, to the following calendar year. **In the second year and beyond, employees may use any hours carried over (up to 24 hours plus any newly accrued hours) for a total not to exceed 40 hours in a calendar year.**

Employees shall be entitled to use accrued paid leave beginning on the 180th calendar day after their start date of their employment.

Note: Employers who already provide paid sick leave or other paid time off to employees do not have to provide additional paid leave as long as the existing leave meets the minimum accrual rates and employees are allowed to use the paid leave for the same reasons and in the same manner as required by Tacoma ordinance.



Effective 2/1/2016

Paid leave shall only be required for hours that an employee is scheduled to have worked.

Paid Sick and Safe Leave Uses

An employee is entitled to paid leave for an absence resulting from:

- **The Employee's Own Illness or Medical Care.** An employee's mental or physical illness, injury, or health condition; to accommodate medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventive medical care.
- **Family Care.** To allow the employee to care for a family member with a mental or physical illness, injury, or health condition; care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
- **Business Closure.** When the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material.
- **School Closure.** To allow the employee to care for a child whose school or place of care has been closed by order of a public official. There is no specific exclusion for weather-related closures.

Paid sick/safe time can be used in one hour increments.

Family member includes the following:

- Child – means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:
 - Under 18 years of age; or
 - Eighteen years of age or older and incapable of self-care due to a mental or physical disability
- Grandparent
- Parent – a biological or adoptive parent of an employee, or an individual who stood in loco parentis to an employee when the employee was a child
- Spouse – husband, wife, or domestic partner
- Household member

Paid Sick and Safe Leave Uses (Cont.)

- **Domestic Violence, Sexual Assault, or Stalking Issues.** To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family members, including, but not limited to, preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking. To enable the employee to obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking.
- **Bereavement.** To enable the employee to take leave for bereavement for the death of a family member.

Employee Notice Requirements

- If the paid leave is unforeseeable, the employee must provide notice as soon as practicable and must generally comply with the company's/customer's usual and customary notice and procedural requirements for absences and/or requesting leave.
- If paid leave is foreseeable, a written request shall be provided at least 10 days in advance of the paid leave, or as early as possible, unless the customer's normal policy requires less advance notice. When the use of accrued time is foreseeable, schedule the use of sick/safe leave in a manner that does not unduly disrupt the operations of the customer.

Paid Sick and Safe Time Accrual Guidelines

- Current employees will begin to accrue paid sick/safe leave on February 1, 2016, which is the date the ordinance takes effect. Accrual rates will not apply to hours worked before that date. New employees hired on or after February 1, 2016 will begin to accrue paid sick/safe leave from the start date of employment.
- Exempt employees do not accrue paid sick/safe leave for hours worked beyond a 40-hour work week. If an exempt employee's normal work week is less than 40 hours, paid sick/safe leave accrues based on the employee's normal work week. If an exempt employee's normal work week is 40 hours or more, paid sick/safe leave accrues based on a 40-hour work week.

No Pay Out Upon Termination/Rehire Guidelines

- There will be no pay out of accrued but unused sick/safe leave upon termination.
 - **Rehires:** If an employee is rehired within 6 months in the same calendar year, the employer must reinstate any accrued and unused paid sick/safe leave to the employee.
- Upon rehire, the employee shall be entitled to use any reinstated accrued unused paid leave and newly accrued paid leave immediately upon the recommencement of employment, provided that the employee had previously been eligible to use paid leave.

Tacoma Zip Codes Included – if employee is *working* in Tacoma, in SmartSearch mark Personnel subarea as “Tacoma”. If they *live* in Tacoma but do not work in Tacoma, mark Personnel subarea as “Washington”.

98401	98417	98464
98402	98418	98465
98403	98419	98466
98404	98421	98471
98405	98422	98481
98406	98424	98490
98407	98431	98493
98408	98433	
98409	98443	
98411	98444	
98412	98445	
98413	98446	
98415	98447	
98416	98448	



NOTICE TO EMPLOYERS AND EMPLOYEES

Effective February 1, 2016: The City of Tacoma Paid Leave Ordinance (TMC 18.10) ensures that all eligible persons working in the City earn Paid Leave to use when they or a family member are sick, injured, need preventative health care or need to seek help for domestic violence, sexual assault, stalking or other safety related issues. The Ordinance is intended to allow employees to care for themselves and family members, making Tacoma a healthier, more secure, and more productive community.

WHO QUALIFIES?

EMPLOYEES RECEIVING PAID LEAVE

The Paid Leave Ordinance applies to all Employees who work within the geographical boundaries of the City of Tacoma (the "City" or "Tacoma") for 80 hours or more in a calendar year, regardless of whether their Employer is physically located in the City or not.

HOW MUCH?

ACCRUAL OF PAID LEAVE

Employers shall provide Employees with a minimum of one (1) hour of paid leave for every forty (40) hours worked within the City, up to a total of 24 hours within a year. Employees shall be entitled to use accrued paid leave beginning on the 180th calendar day after their start of their employment. Employers may, at their option, have a paid leave policy that exceeds the minimum requirements required by the Ordinance.

CARRYOVER

CARRYOVER OF UNUSED PAID LEAVE

Employees are allowed to earn up to 24 hours of Paid Leave in a year. The Ordinance allows an Employee to carry over unused accrued paid leave (up to 24 hours) into the following calendar year. An Employee can then use carried over time in addition to accrued time, with total use not to exceed 40 hours in any calendar year.

USAGE

USES OF PAID LEAVE

Employees may use Paid Leave time for any of the following reasons:

- Mental or physical illness, injury or preventative health care (for either the Employee or an Employee's family member);
- When an Employee's place of employment has been closed by order of a public official or to care for a child whose school has been closed by order of a public official;
- To seek law enforcement or legal help for domestic violence or sexual assault (either for the Employee or an Employee's family member);
- To seek safety from domestic violence, sexual assault, or stalking, (either for the Employee or an Employee's family member); and
- For bereavement of a family member.

OPTIONS

SHIFT SWAP, DONATIONS OF PAID LEAVE, & PREMIUM PAY

Employers and Employees may mutually agree to allow an Employee to work additional hours or shifts in lieu of using Paid Leave. Employers may establish policies allowing Employees to exchange or trade shifts. Employers may establish a policy allowing Employees to donate Paid Leave time to another Employee. Employers may institute an approved Premium Pay Program, providing extra pay in lieu of benefits.

REQUIREMENTS

DOCUMENTATION REQUIREMENTS

An Employer may take reasonable measures to verify or document that an Employee's use of Paid Leave is lawful. If the Employer chooses to require written documentation or other verification of the use of all or a portion of an Employee's Paid Leave, the Employer must have a written policy regarding the requirement of written documentation or other verification and said policy must be readily available to all Employees.

ENFORCEMENT

FILING A COMPLAINT

If an Employee believes that he/she has been subject to a violation of the Paid Leave Ordinance, they may file a complaint in writing with the City of Tacoma. Employers are prohibited from taking adverse action against Employees who exercise any right under this Ordinance. For more information or to file a complaint, visit the www.CityofTacoma.org/paidleave or the City of Tacoma Customer Support Center (747 Market Street, #243).