What are We Here To Talk About Today?

- Initiative I-1433 passed by Washington voters in the Fall of 2016
  - Increased the State’s minimum wage
  - Requires all State of Washington Employers to provide paid sick leave to most employees
  - Ensures tips & service charges are given to appropriate staff
  - Protects employees from retaliation when exercising rights under this new law
- Effective January 1, 2018
Who is Covered by the New Legislation?

- All Washington State employers
  - Public or private
- Covers all “Non-Exempt” (hourly) employees
  - Temporary, Seasonal and Part-Time employees
- Exempt employees (salaried) and elected officials are not covered by the State law
  - However, the City of Tacoma Paid Sick Leave Ordinance requires this leave coverage to be provided for exempt (salaried) employees and elected officials

Mandatory Paid Sick Leave (MPSL) Accrual Requirements

- Qualified Employees – Hourly and Salaried
  - Must receive 1 hour of MPSL for every 40 hours worked
  - The City will prorate to .025 hour for every 1 hour worked
- Only Actual Worked Hours
  - Does not include when an employee is on paid or unpaid leave, such as vacation, PTO, sick, comp time, leave without pay, stand by, etc.
- Accruals of MPSL
  - Must be reported to employees at least monthly
  - City will provide reports bi-weekly, via email
MPSL Family Member Definitions

<table>
<thead>
<tr>
<th>City Sick Leave Family Definition</th>
<th>State/City Mandatory Paid Sick Leave Family Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family members include:</td>
<td>Family members include:</td>
</tr>
<tr>
<td>• A child, including biological,</td>
<td>• A child, including biological, adoptive,</td>
</tr>
<tr>
<td>foster child, stepchild, a</td>
<td>de facto, or foster parent, stepparent, or</td>
</tr>
<tr>
<td>legal ward, or child of a</td>
<td>legal guardian of an employee or the</td>
</tr>
<tr>
<td>person standing in loco parent;</td>
<td>employee's spouse or registered domestic</td>
</tr>
<tr>
<td>• spouse or registered domestic</td>
<td>partner, or a person who stood in loco</td>
</tr>
<tr>
<td>partner</td>
<td>parentis when the employee was a minor child</td>
</tr>
<tr>
<td>• parent</td>
<td>• spouse</td>
</tr>
<tr>
<td>• parent-in-law</td>
<td>• registered domestic partner</td>
</tr>
<tr>
<td>• grandparent</td>
<td>• grandparent</td>
</tr>
<tr>
<td>• grandchild</td>
<td>• sibling</td>
</tr>
</tbody>
</table>

NOTE: Personal Time Off Use is taken as either Planned or Unplanned, unless taken as designated MPSL

Authorized use of MPSL

- Your own illness/injury/medical condition
- To care for a family member with an illness/injury/medical condition
- Your place of business is closed
  - Due to an order by a public official for a health related reason
- Your child’s school or day care is closed
  - Due to an order by a public official
- Domestic Violence Leave Act
  - Domestic violence, sexual assault, or stalking
Authorized use of MPSL

- When an employee uses MPSL leave, the employer can only require a doctor’s note when the absence exceeds three days.

- Retaliation against employees by the City of Tacoma for using MPSL for authorized purposes, or for the exercise of any rights under the Minimum Wage Act (chapter 49.46 RCW), is prohibited.

Using MPSL

- New Time Type Codes have been created for employees to enter/code MPSL time taken.
- MPSL will be used in the same time increments currently used for Sick Leave or PTO.
- Employees cannot use accrued MPSL in the same pay period in which it is earned.
- The City may not require an employee use MPSL.
New Time Types Created for MPSL

New Time Types Created for employees to record the use of Mandatory Paid Sick Leave (MPSL)

- 8016 – MPSL Sick
- 8017 – FMLA MPSL Sick
- 8036 – PTO MPSL Sick
- 8037 – FMLA PTO MPSL Sick
- 8046 – PTU MPSL Sick
- 8047 – FMLA PTU MPSL Sick

Entering MPSL Time Types

- Select an appropriate Time Type from the same list used for other leave time
- Use of an MPSL time type will take the deduction from both your City Sick Leave or PTO balance, **AND** from your MPSL balance
  - Similar to FMLA use – It deducts from paid leave and from the FMLA balance

**PLEASE NOTE:** Time Type codes in this example will change from “State” to “MPSL”
MPSL Accruals and Tracking

- Accruals begin upon date of hire; for employees hired prior to 2018, as of January 1, 2018
- Because City Sick leave/PTO accruals are more generous than the State/City paid sick leave laws, the City is not required to provide additional sick leave*

*Exception: An employee who accrues sick leave and works significant overtime in a pay period. The sick leave accrual may increase so that the employee receives at least one hour of mandatory Paid Sick Leave per 40 hours worked in that pay period.

148 hours times .025 per hour MPSL = 3.7 hours sick accrual

MPSL Accruals and Tracking

- The State requires employers track the accrual and use of the new MPSL
- The City will track MPSL behind the scenes:
  (1 hour for each 40 hours worked, or; 1 hour worked will equate to .025 hours of mandatory paid sick leave)

Note: Sick Leave and PTO leave accruals currently reported on the pay advice will look the same

<table>
<thead>
<tr>
<th>VAC/PTO</th>
<th>HRS</th>
<th>SICK</th>
<th>HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Bal:</td>
<td>450.92</td>
<td>Current Bal:</td>
<td>0.00</td>
</tr>
<tr>
<td>Earned This PP:</td>
<td>7.08</td>
<td>Earned This PP:</td>
<td>0.00</td>
</tr>
<tr>
<td>Taken This PP:</td>
<td>0.00</td>
<td>Taken This PP:</td>
<td>0.00</td>
</tr>
</tbody>
</table>
MPSL Accrual Example 1

Bob records 72 hours of **worked time** in the first two weeks of January, and 8 hours of holiday pay. Bob accrues 3.69 hours of sick leave, and 1.80 hours would be designated as MPSL

\[(72 \text{ worked hours} \times 0.025 = 1.8 \text{ hours of accrued MPSL})\]

MPSL Accrual Example 2

- The next pay period, Bob is on vacation and records his time off as 8 hours holiday and 72 hours vacation for the pay period
- Bob will accrue 3.69 hours of sick leave, but will not have any MPSL designated because he did not have any worked time during the pay period
MPSL Accrual Example 3

- Bob’s last pay advice shows a balance of 200 hours of sick leave
- Bob also received a report showing he has a balance of 20 hours MPSL tracked behind the scenes
- Bob takes a day off (8 hours) to care for his sick grandchild
- Bob codes the time off on his timecard as 8 hours of 8016 MPSL Sick Leave

<table>
<thead>
<tr>
<th>Current Leave Balances</th>
<th>200 hours Sick</th>
<th>20 hours MPSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>8016 MPSL Sick Leave</td>
<td>-8</td>
<td>-8</td>
</tr>
<tr>
<td>Balances after leave taken</td>
<td>192</td>
<td>12</td>
</tr>
</tbody>
</table>

MPSL Accrual Example 4

- Jane’s last pay advice shows a balance of 60 hours of PTO
- Jane received a report showing she has a balance of 40 hours MPSL tracked behind the scenes
- Jane plans and takes PTO leave for one week during the pay period (40 hours)
- Jane codes this time off on her timecard as 40 hours of 8030 Personal Time Off Planned

<table>
<thead>
<tr>
<th>Leave Balances</th>
<th>60 hours PTO</th>
<th>40 hours MPSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>8030 PTO Planned</td>
<td>-40</td>
<td>-20“</td>
</tr>
<tr>
<td>Balances after leave taken</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

**NOTE:** If the leave balance (PTO or Sick Leave) falls below the MPSL balance, the MPSL balance must also be reduced.
MPSL Annual Carryover

- Employees are allowed to carry over up to 40 hours of unused, designated MPSL from one calendar year to the next

**EXAMPLE:**
- On 12/31/2018 - Bob has a balance of 200 hours of Sick Leave and 52 hours of eligible MPSL
- On 1/1/2019 - Bob would still have 200 hours of Sick Leave and a carry over of 40 hours of eligible MPSL

<table>
<thead>
<tr>
<th></th>
<th>Sick Leave</th>
<th>Eligible MPSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrual balances as of 12/31/2018</td>
<td>200</td>
<td>52</td>
</tr>
<tr>
<td>Balance carryover as of 1/1/2019</td>
<td>200</td>
<td>40</td>
</tr>
</tbody>
</table>

MPSL for Rehired Employees

- An employee who has separated, and then rehired within 12 months after separating, would be eligible for up to 40 hours of their unused and designated MPSL to be restored at the time of rehire

**Exceptions:**
- Sick leave paid out upon separation is not eligible to be restored
- PTO hours are paid out at 100% upon separation, and are not eligible to be restored
### City Sick Leave vs New MPSL

#### Call-In Procedures

<table>
<thead>
<tr>
<th>City Sick Leave Requirements</th>
<th>MPSL Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees must adhere to City’s call-in procedures</td>
<td>Same requirements</td>
</tr>
<tr>
<td>➢ prior to the beginning of their scheduled workday</td>
<td>Exception: Cases of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking</td>
</tr>
<tr>
<td>➢ or such earlier time as required by their department or division head</td>
<td>Employee or his or her designee must give oral or written notice to the City no later than the end of the first day</td>
</tr>
</tbody>
</table>

#### Doctor’s Notes

<table>
<thead>
<tr>
<th>City Sick Leave Requirements</th>
<th>MPSL Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>➢ For each absence an employee may be required to submit an explanation of the reason for such absence</td>
<td>Absences exceeding 3 days may require written verification (i.e. medical note).</td>
</tr>
<tr>
<td>➢ A medical note shall be required if requested by the department head</td>
<td>Note: If notification will result in unreasonable burden or expense, employees can provide a written or oral explanation*</td>
</tr>
</tbody>
</table>

*The Employer has 10 days to consider the employee’s explanation and make a reasonable effort to find an alternative way to meet the verification requirement. If the employer and employee disagree with the verification process, they may consult with L&I or the employee may file a complaint with L&I.
City Sick Leave vs New MPSL

<table>
<thead>
<tr>
<th>Incentives for Attendance</th>
<th>MPSL Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Sick Leave Requirements</strong></td>
<td><strong>MPSL Requirements</strong></td>
</tr>
<tr>
<td>City of Tacoma policies and/or collective bargaining agreements may include attendance incentive programs</td>
<td>Employers cannot incentivize employees to not use MPSL.</td>
</tr>
<tr>
<td></td>
<td>Cannot count MPSL use toward incentive leave programs.</td>
</tr>
</tbody>
</table>

MPSL Notice

All employees will be provided a notice on Mandatory Paid Sick Leave (MPSL).

The information is also available on the Human Resources webpage under Mandatory Paid Sick Leave.
More Things to Come…

- **MPSL Accrual & Reporting**
- **Review/Update TMC and Policies**
- **More communication from Human Resources**

Take Aways From Today

- MPSL is not a new accrual of leave
- There is no cash value to MPSL – tracking only
- Most Sick Leave and PTO accruals stay the same
- Exception: if you accrue sick leave and work more than 148 hours in a pay period, you will earn more than 3.69 of City Sick Leave in that pay period
- The City will track your accrual and use of MPSL behind the scenes – and will not be on your pay advice
- In the future, you will receive a report via e-mail showing your accrual and usage of MPSL
Take Aways From Today

- You must continue to follow department call in procedures
- New Time Types have been created to record MPSL
  - 8016 – MPSL Sick
  - 8017 – FMLA MPSL Sick
  - 8036 – PTO MPSL Sick
  - 8037 – FMLA PTO MPSL Sick
  - 8046 – PTU MPSL Sick
  - 8047 – FMLA PTU MPSL Sick
- Definition of family members may be different for MPSL use

Questions?

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