



STATE OF WASHINGTON & CITY OF TACOMA MANDATORY PAID SICK LEAVE



EMPLOYEE PRESENTATION

January/February 2018

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**

Paid Sick Leave Law
Impacts of Initiative 1433



Initiative 1433, which was approved by Washington voters in fall 2016, contains four primary changes:

- Requires employers to provide paid sick leave to most employees beginning Jan. 1, 2018.
- Increases the minimum wage over the next several years.
- Ensures tips and service charges are given to the appropriate staff.
- Protects employees from retaliation when exercising their rights under the Minimum Wage Regulations and Labor Standards Act.

Paid sick leave requirements
Starting Jan. 1, 2018, employers in Washington will be required to provide most of their employees with paid sick leave.

Get ready now! Sign up for updates on rule development, training, links for employers and more: www.lni.wa.gov/MinWage/WWWgetthear.asp

Accrual

- Most employees must accrue paid sick leave at a minimum rate of one hour of paid sick leave for every 40 hours worked. This includes part-time and seasonal workers.
- Paid sick leave must be paid to employees at their normal hourly compensation.

Usage
Employees may use paid sick leave:

- To care for themselves or their family members.
- When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason.
- For absences that qualify for leave under the state's Domestic Violence Leave Act.

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

Retaliation for paid sick leave
The Department of Labor & Industries (DLI) is developing rules to explain and enforce the new requirements. These rules will include:

- Procedures for employees to notify their employers.
- Recordkeeping and reporting requirements regarding paid sick leave.
- Processes for protecting employees from retaliation for the lawful use of paid sick leave.

Washington State Department of Labor & Industries

Open request, design language support and format for press and disability are available. Call 1-800-457-4337 TDD users, and toll-free 1-877-735-6822 for an equal opportunity employee.

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

City Sick Leave Family Definition	State/City Mandatory Paid Sick Leave Family Definition
<p>Family members include:</p> <ul style="list-style-type: none"> • A child, including biological, foster child, stepchild, a legal ward, or child of a person standing in loco parentis; • spouse or registered domestic partner • parent • parent-in-law • grandparent <p>NOTE: Personal Time Off Use is taken as either Planned or Unplanned, unless taken as designated MPSL</p>	<p>Family members include:</p> <ul style="list-style-type: none"> • A child, including biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child • spouse • registered domestic partner • grandparent • grandchild • sibling <p><small>*Family members listed in bold type are not included in the City definition</small></p>

Authorized use of MPSL

<p>Your own illness/injury/medical condition</p>
<p>To care for a family member with an illness/injury/medical condition</p>
<p>Your place of business is closed</p> <ul style="list-style-type: none"> • Due to an order by a public official for a health related reason
<p>Your child's school or day care is closed</p> <ul style="list-style-type: none"> • Due to an order by a public official
<p>Domestic Violence Leave Act</p> <ul style="list-style-type: none"> • 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

PSGA/AType	Att./abs. type	text	Start Date	End Date
50 8000	8000	Vacation VAC	01/01/1990	12/31/9999
50 8002	8002	FMLA Vacation	04/14/2008	12/31/9999
50 8010	8010	Sick Leave SCK	01/01/1900	12/31/9999
50 8012	8012	FMLA Sick	04/14/2008	12/31/9999
50 8016	8016	State Sick	01/01/2017	12/31/9999
50 8017	8017	FMLA State Sick	01/01/2017	12/31/9999
50 8020	8020	Sck Leave Family SLF	01/01/1900	12/31/9999
50 8022	8022	FMLA Family Sick	04/14/2008	12/31/9999
50 8030	8030	PTO Planned	01/01/1990	12/31/9999
50 8032	8032	FMLA PTO Planned	04/14/2008	12/31/9999
50 8036	8036	PTO State Sick	01/01/2017	12/31/9999
50 8037	8037	FMLA PTO State Sick	01/01/2017	12/31/9999

- 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

VAC/PTO	HRS	SICK	HRS
Current Bal:	450.92	Current Bal:	0.00
Earned This PP:	7.08	Earned This PP:	0.00
Taken This PP:	0.00	Taken This PP:	0.00

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
 $(72 \text{ worked hours} \times .025 = 1.8 \text{ hours of accrued MPSL})$

JANUARY 2018						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 HOLIDAY	2	3 WORKED	4	5	6
7	8	9	10 WORKED	11	12 Pay Day	13
14	15 HOLIDAY	16	17	18	19	20

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

JANUARY 2018						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 HOLIDAY	2	3	4	5	6
7	8	9	10	11	12 Pay Day	13
14	15 HOLIDAY	16	17 VACATION	18	19	20
21	22	23 VACATION	24	25	26 Pay Day	27

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

Current Leave Balances	200 hours Sick	20 hours MPSL
8016 MPSL Sick Leave	-8	-8
Balances after leave taken	192	12

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

Leave Balances	60 hours PTO	40 hours MPSL
8030 PTO Planned	-40	-20*
Balances after leave taken	20	20

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*

	Sick Leave	Eligible MPSL
Accrual balances as of 12/31/2018	200	52
Balance carryover as of 1/1/2019	200	40

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

**Welcome
Back!**

City Sick Leave vs New MPSL

Call-In Procedures

City Sick Leave Requirements	MPSL Requirements
<p>Employees must adhere to City's call-in procedures</p> <ul style="list-style-type: none"> ➤ prior to the beginning of their scheduled workday ➤ or such earlier time as required by their department or division head 	<p>Same requirements</p> <p>Exception: Cases of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking</p> <p>Employee or his or her designee must give oral or written notice to the City no later than the end of the first day</p>

City Sick Leave vs New MPSL

Doctor's Notes

City Sick Leave Requirements	MPSL Requirements
<ul style="list-style-type: none"> ➤ For each absence an employee may be required to submit an explanation of the reason for such absence ➤ A medical note shall be required if requested by the department head 	<p>Absences exceeding 3 days may require written verification (i.e. medical note).</p> <p>Note: If notification will result in unreasonable burden or expense, employees can provide a written or oral explanation*</p>

**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

Incentives for Attendance

City Sick Leave Requirements

- City of Tacoma policies and/or collective bargaining agreements may include attendance incentive programs

MPSL Requirements

Employers cannot incentivize employees to not use MPSL.

Cannot count MPSL use toward incentive leave programs.

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

State of Washington and City of Tacoma Mandatory Paid Sick Leave Notification

By state statute (RCW chapter 49.48) and Tacoma Municipal Code (TMC chapter 18.10), all City employees must accrue at least one (1) hour of mandatory Paid Sick Leave for every 40 hours worked, beginning January 1, 2018. As a City employee, you will not accrue more leave – your current sick leave or PTO – accruals already exceed the maximum mandatory Paid Sick Leave.

The mandatory Paid Sick Leave will be tracked behind the scenes. The sick and PTO leave accruals currently reported on your pay advice will look the same. Mandatory Paid Sick Leave accruals, usage, and balance will be reported to you separately and at least monthly.

You may use your accrued mandatory Paid Sick Leave as it is earned and accrued, in the same time increments that you currently use. You may not use accrued mandatory Paid Sick Leave in the same pay period in which it is earned.

You may use accrued mandatory Paid Sick Leave for the following reasons:

- To care for yourself or a family member. "family member" means:
 - A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.
 - A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - A spouse.
 - A registered domestic partner.
 - A grandparent.
 - A grandchild, or
 - A sibling.

- When you or a family member is the victim of sexual assault, domestic violence, or stalking.
- In the event your work location or your child's school or place of care is closed by a public official for any health-related reason.

Retaliation against you by the City of Tacoma for using mandatory Paid Sick Leave for authorized purposes, or for the exercise of any rights under the Minimum Wage Act (chapter 49.48 RCW), is prohibited.

TMC 18.10.200
 TMC 18.10.240
 If you work part-time, your accrual may increase so that you receive one hour of mandatory Paid Sick Leave per 40 hours worked in that pay period; for example, if you worked 160 hours in a pay period, you would accrue 27 hours of sick leave, instead of 325.

More Things to Come...



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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