

EMPLOYMENT LAW SUMMARY

Washington Employee Leave Laws - Overview



Because You're Different

Employers have some flexibility when it comes to establishing or negotiating employee leave policies such as vacation time, personal leave and sick time. However, in the state of Washington, state laws require covered employers to provide employees with leave in certain situations. (Employers must also provide employee leave when required to do so by federal laws, such as the Family and Medical Leave Act.)

Washington state law includes the following employee leave mandates:

- Paid sick leave;
- Paid family and medical leave;
- Family sick leave;
- Pregnancy disability leave;
- Domestic violence leave;
- Jury duty leave;
- Emergency services leave; and
- Military and military spouse leave.

The following chart provides a high-level overview of state leave laws for employees in Washington.

Overview of Employee Leave Laws

**TYPE OF
LEAVE**

REQUIREMENTS

TYPE OF LEAVE

REQUIREMENTS

Paid Sick Leave

All employers covered by the Washington Minimum Wage Act must provide employees with paid sick leave, except construction workers covered by collective bargaining agreements that meet requirements laid out in the law.

Ride-share drivers operating in Washington on a transportation network company's platform are also covered by paid sick leave. This applies only to drivers of passengers, not to food or goods delivery drivers.

Employees must accrue at least **one hour of paid sick leave for every 40 hours worked**. The law does not provide any annual usage or accrual caps for paid sick leave. Employers may choose to "front-load" an amount of paid sick leave to employees each year that meets or exceeds the accrual, use and carry-over requirements of the law. Employees must be permitted to **carry over up to 40 hours** of unused paid sick leave to the following year. This carry-over requirement also applies to employers that front-load paid sick leave. Eligible employees (that is, all employees covered under the Washington Minimum Wage Act) must be able to use accrued paid sick leave for any of the following reasons:

- An employee's own mental or physical illness, injury or health condition, including the need for medical diagnosis, care or treatment, and preventive medical care;
- To care for the employee's family member with a mental or physical illness, injury or health condition, including the family member's need for medical diagnosis, care or treatment, and preventive care;
- Closure of the employee's place of business by order of a public official due to any health-related reason or closure of an employee's child's school or place of care by order of a public official due to any health-related reason; and
- Employees who are victims of domestic violence, sexual assault or stalking (or who are family members of a victim) in order to seek and obtain legal and social services, medical treatment or counseling, or participate in safety planning. An employer may require new employees to wait **90 days** after hire before using any accrued paid sick leave (accrual begins upon hire). An employer may also require reasonable documentation to verify that use of paid sick leave was for a permitted reason for paid sick leave absences exceeding **three days**. An employee that is rehired **within 12 months** of separation by the same employer (or a different location of the same employer) is entitled to have his or her paid sick leave reinstated. Employer notice and anti-retaliation provisions apply.

Ride-share drivers may additionally use paid sick leave during a deactivation or other status that prevents them from performing network services on the transportation network company's platform, unless the deactivation is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

An employer may require new employees to wait 90 days after hire (90 hours of passenger platform time for ride-share drivers) before using any accrued paid sick leave. Accrual begins upon hire. Transportation network companies must establish systems that are available online and through a smartphone app for drivers to request and use paid sick leave.

An employer may also require reasonable documentation to verify that use of paid sick leave was for a permitted reason for absences exceeding three days.

An employee that is **rehired within 12 months** of separation by the same employer (or a different location of the same employer) is entitled to have his or her paid sick leave reinstated. Ride-share drivers lose their accrued leave after not recording passenger platform time for 365 consecutive days.

TYPE OF LEAVE

REQUIREMENTS

Paid Family and Medical Leave

Washington’s paid family and medical leave program covers virtually all Washington employers. The program is funded with employer and employee contributions and administered by a state agency. In 2024, the total premium is 0.74% of an employee’s wages up to the 2024 Social Security cap of \$168,600, of which employers pay 28.57% and employees pay 71.43%. Employers must collect the premiums and remit them to the state. Employers with **fewer than 50 employees** are not required to make employer premium contributions; however, they may receive grant assistance if they do.

Eligible workers may receive benefit payments under the paid family and medical leave program for leave for the following reasons:

- The employee’s own serious health condition, or to care for a family member with a serious health condition;
- To bond with the employee’s child during the first 12 months after the birth (or the first 12 months after the placement of a child under the age of 18 with the employee);
- During the seven calendar days following the death of a family member for whom the employee would have qualified for medical leave for the birth of their child, or would have qualified for family leave for child bonding; and
- For a qualifying exigency as permitted under the federal FMLA.

Any employee who **works at least 820 hours** during the “qualifying period” is eligible for paid family and medical leave benefits. The qualifying period is defined as the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately before the employee’s application for leave.

The paid family and medical leave program provides the following leave amounts **during a consecutive 52-week period**:

- Family leave: Up to 12 weeks;
- Medical leave: Up to 12 weeks (14 weeks for a female employee who experiences a serious health condition related to pregnancy that results in incapacity); and
- **Combined family and medical leave:** Up to 16 weeks (18 weeks for a female employee who experiences a serious health condition related to pregnancy that results in incapacity. Leave taken in the postnatal period (defined as six weeks after birth) for incapacity due to pregnancy is medical leave, unless the employee chooses to use family leave for this purpose. Additionally, certification of a serious health condition is **not** required for this leave).

“Family member” is defined broadly and includes, among others, a child of any age, including those to whom the employee stands in loco parentis and a child’s spouse; a parent, including, among others, de facto or foster parents, persons who stood in loco parentis to the employee, and legal guardians; the employee’s spouse or registered domestic partner; grandparents, grandchildren and siblings of the employee; and any individual who regularly resides in the employee’s home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. (Individuals who simply reside in the same home with no expectation that the employee will care for them are not considered family members.)

Employees receive up to 90% of their average weekly wage (AWW), based on the employee’s AWW in comparison to the state AWW, up to the maximum weekly benefit. In 2024, the maximum benefit is \$1,456.

Employee notice requirements apply for leave that is foreseeable. Job-protection and reinstatement rights apply to employees who satisfy federal FMLA eligibility requirements.

Employers are required to post a notice in the workplace. In addition, employers must provide a written notice to an employee of his or her rights under the program within five business days after the employee’s seventh consecutive day of absence due to family or medical leave, or within five business days after the employer has received notice that the employee’s absence is due to family or medical leave, whichever is later

Family Sick Leave

The Washington Family Care Act requires all employers who provide paid sick leave to allow employees to use that accrued leave to care for an ill child, parent, parent-in-law, grandparent, spouse or domestic partner of the employee. If the provisions of other state or federal leave laws apply (e.g., FMLA, paid family and medical leave, pregnancy disability leave), the protections and benefits of the Family Care Act and the other law run concurrently, and the more favorable provision or provisions apply. Employer must display a [poster](#) explaining employee rights under the law in a conspicuous place.

TYPE OF LEAVE	REQUIREMENTS
Pregnancy Disability Leave	<p>Employers with eight or more employees must provide unpaid leave to female employees who are disabled by pregnancy, childbirth or a related medical condition for the period of the disability or sickness.</p> <p>Job protections apply to employees taking pregnancy disability leave, which runs concurrently with FMLA leave.</p>
Domestic Violence Leave	<p>Employers must grant a reasonable amount of leave time to employees who are victims of domestic violence, sexual assault or stalking, or who are family members of a victim, in order to:</p> <ul style="list-style-type: none"> • Seek and obtain legal, law enforcement or social services assistance; • Seek and obtain medical treatment or counseling; or • Participate in safety planning or take other actions to increase safety. <p>Leave is unpaid. Notice and certification requirements apply. Employees may elect to use any of their sick leave and other paid time off, compensatory time or unpaid leave time.</p>
Jury Duty Leave	<p>Employers must grant unpaid leave to employees who are summoned to jury service. Job protections apply.</p>
Emergency Services Leave	<p>An employer with at least 20 employees may not discharge or discipline:</p> <ul style="list-style-type: none"> • A volunteer firefighter or reserve officer because of leave taken related to an alarm of fire or an emergency call; or • A civil air patrol member because of leave taken related to an emergency service operation. <p>To be covered, volunteer firefighters must have:</p> <ul style="list-style-type: none"> • Notified their employer of their firefighter status and intent to serve as a volunteer, if already at the place of employment when called to serve as a volunteer, or • If not already at the place of employment when called to serve as a volunteer, been ordered to remain at their position by the commanding authority at the scene of the fire. <p>Leave is unpaid.</p>
Military and Military Spouse Leave	<p>In addition to USERRA, Washington law provides the following employment protections for military members:</p> <ul style="list-style-type: none"> • Reemployment rights for military personnel following a period of military service. <p>Employers must provide up to 15 days of unpaid leave to eligible spouses or registered domestic partners of military service members when their spouse is about to be deployed or on leave from deployment. Notice requirements apply.</p>

SPECIAL NOTE: The chart above addresses only statewide laws. Cities, towns and counties across the country have also enacted local leave ordinances, and employers must generally comply with both local and statewide law where it applies. For example, employers that are located in [Seattle](#), [Tacoma](#) and/or [Spokane](#) may be subject to local paid sick leave ordinances, in addition to the statewide paid sick leave law.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Washington.

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