A Proclamation by the Governor

WHEREAS, under the provisions of Article II, Section 1 of the Constitution of the State of Washington, there was submitted to the electorate of the State of Washington for their approval or rejection at the state general election held on the 8th day of November, 2016, an initiative to the people, identified as Initiative Measure No. 1433 and entitled:

Initiative Measure No. 1433 concerns labor standards.

This measure would increase the state minimum wage to $11.00 in 2017, $11.50 in 2018, $12.00 in 2019, and $13.50 in 2020; require employers to provide paid sick leave, and adopt related laws.

WHEREAS, Kim Wyman, as Secretary of State, has on the 7th day of December, 2016, canvassed the votes cast on this measure at the state general election and certified that 1,848,583 votes were cast in favor of Initiative Measure No. 1433 and 1,370,907 votes were cast against Initiative Measure No. 1433; and

WHEREAS, as appears from this certification, a majority of the votes cast on this proposition at the state general election were in favor of its adoption;

NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, do hereby proclaim that the proposed law as set forth in Initiative Measure No. 1433 was approved by the voters of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 7th day of December, 2016.

Jay Inslee
Governor

ATTEST:

Kim Wyman
Secretary of State
INITIATIVE 1433

To the People

Chapter 2, Laws of 2017

LABOR STANDARDS--MINIMUM WAGE INCREASE--PAID SICK LEAVE

EFFECTIVE DATE: January 1, 2017

Approved by the
People of the State of Washington
in the General Election on
November 8, 2016

ORIGINALLY FILED

January 22, 2016

Secretary of State
AN ACT Relating to fair labor standards; amending RCW 49.46.005, 49.46.020, 49.46.090, 49.46.100, and 49.46.120; adding new sections to chapter 49.46 RCW; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. It is the intent of the people to establish fair labor standards and protect the rights of workers by increasing the hourly minimum wage to $11.00 (2017), $11.50 (2018), $12.00 (2019) and $13.50 (2020), and requiring employers to provide employees with paid sick leave to care for the health of themselves and their families.

Sec. 2. RCW 49.46.005 and 1961 ex.s. c 18 s 1 are each amended to read as follows:

(1) Whereas the establishment of a minimum wage for employees is a subject of vital and imminent concern to the people of this state and requires appropriate action by the legislature to establish minimum standards of employment within the state of Washington, therefore the legislature declares that in its considered judgment the health, safety and the general welfare of the citizens of this state require the enactment of this measure, and exercising its
police power, the legislature endeavors by this chapter to establish
a minimum wage for employees of this state to encourage employment
opportunities within the state. The provisions of this chapter are
enacted in the exercise of the police power of the state for the
purpose of protecting the immediate and future health, safety and
welfare of the people of this state.

(2) Since the enactment of Washington's original minimum wage
act, the legislature and the people have repeatedly amended this
chapter to establish and enforce modern fair labor standards,
including periodically updating the minimum wage and establishing the
forty-hour workweek and the right to overtime pay.

(3) The people hereby amend this chapter to conform to modern
fair labor standards by establishing a fair minimum wage and the
right to paid sick leave to protect public health and allow workers
to care for the health of themselves and their families.

**PART I**

**ESTABLISHING FAIR LABOR STANDARDS BY INCREASING THE MINIMUM HOURLY

Sec. 3. RCW 49.46.020 and 1999 c 1 s 1 are each amended to read
as follows:

(1) ((Until January 1, 1999, every employer shall pay to each of
his or her employees who has reached the age of eighteen years wages
at a rate of not less than four dollars and ninety cents per hour.)

(2) Beginning January 1, 1999, and until January 1, 2000, every
employer shall pay to each of his or her employees who has reached
the age of eighteen years wages at a rate of not less than five
dollars and seventy cents per hour.

(3) Beginning January 1, 2000, and until January 1, 2001, every
employer shall pay to each of his or her employees who has reached
the age of eighteen years wages at a rate of not less than six
dollars and fifty cents per hour.

(4+) (a) Beginning January 1, 2017, and until January 1, 2018,
every employer shall pay to each of his or her employees who has
reached the age of eighteen years wages at a rate of not less than
eleven dollars per hour.

(b) Beginning January 1, 2018, and until January 1, 2019, every
employer shall pay to each of his or her employees who has reached
the age of eighteen years wages at a rate of not less than eleven dollars and fifty cents per hour.

(c) Beginning January 1, 2019, and until January 1, 2020, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than twelve dollars per hour.

(d) Beginning January 1, 2020, and until January 1, 2021, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than thirteen dollars and fifty cents per hour.

(2) (a) Beginning on January 1, (2001) 2021, and each following January 1st as set forth under (b) of this subsection, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than the amount established under (b) of this subsection.

(b) On September 30, (2020) 2020, and on each following September 30th, the department of labor and industries shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. Each adjusted minimum wage rate calculated under this subsection (4) (2) (b) takes effect on the following January 1st.

(4) An employer must pay to its employees: (a) All tips and gratuities; and (b) all service charges as defined under RCW 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized as not being payable to the employee or employees servicing the customer. Tips and service charges paid to an employee are in addition to, and may not count towards, the employee's hourly minimum wage.

(5) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

PART II
NEW SECTION. Sec. 4. The demands of the workplace and of families need to be balanced to promote public health, family stability, and economic security. It is in the public interest to provide reasonable paid sick leave for employees to care for the health of themselves and their families. Such paid sick leave shall be provided at the greater of the newly increased minimum wage or the employee's regular and normal wage.

NEW SECTION. Sec. 5. (1) Beginning January 1, 2018, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of 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; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.
(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.
(2) For purposes of this section, "family member" means any of the following:
(a) 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;
(b) 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;
(c) A spouse;
(d) A registered domestic partner;
(e) A grandparent;
(f) A grandchild; or
(g) A sibling.
(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.
(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

PART III
MISCELLANEOUS

NEW SECTION. Sec. 6. (1) Beginning January 1, 2017, all existing rights and remedies available under state or local law for enforcement of the minimum wage shall be applicable to enforce all of the rights established under this act.
(2) The state shall pay individual providers, as defined in RCW 74.39A.240, in accordance with the minimum wage, overtime, and paid sick leave requirements of this chapter.

Sec. 7. RCW 49.46.090 and 2010 c 8 s 12043 are each amended to read as follows:
(1) Any employer who pays any employee less than ((wages)) the amounts to which such employee is entitled under or by virtue of this chapter, shall be liable to such employee affected for the full amount ((of such wage rate)) due to such employee under this chapter, less any amount actually paid to such employee by the employer, and
for costs and such reasonable attorney's fees as may be allowed by
the court. Any agreement between such employee and the employer (to
work for) allowing the employee to receive less than (such wage
rate) what is due under this chapter shall be no defense to such
action.

(2) At the written request of any employee paid less than the
(amounts to which he or she is entitled under or by virtue
of this chapter, the director may take an assignment under this
chapter or as provided in RCW 49.48.040 of such (wage) claim in
trust for the assigning employee and may bring any legal action
necessary to collect such claim, and the employer shall be required
to pay the costs and such reasonable attorney's fees as may be
allowed by the court.

Sec. 8. RCW 49.46.100 and 2010 c 8 s 12044 are each amended to
read as follows:

(1) Any employer who hinders or delays the director or his or her
authorized representatives in the performance of his or her duties in
the enforcement of this chapter, or refuses to admit the director or
his or her authorized representatives to any place of employment, or
fails to make, keep, and preserve any records as required under the
provisions of this chapter, or falsifies any such record, or refuses
to make any record accessible to the director or his or her
authorized representatives upon demand, or refuses to furnish a sworn
statement of such record or any other information required for the
proper enforcement of this chapter to the director or his or her
authorized representatives upon demand, or pays or agrees to pay
an employee less
the employee is entitled to under this chapter, or otherwise
violates any provision of this chapter or of any regulation issued
under this chapter shall be deemed in violation of this chapter and
shall, upon conviction therefor, be guilty of a gross misdemeanor.

(2) Any employer who discharges or in any other manner
discriminates against any employee because such employee has made any
complaint to his or her employer, to the director, or his or her
authorized representatives that he or she has not been paid wages in
accordance with the provisions of this chapter, or that the employer
has violated any provision of this chapter, or because such employee
has caused to be instituted or is about to cause to be instituted any
proceeding under or related to this chapter, or because such employee
has testified or is about to testify in any such proceeding shall be
deemed in violation of this chapter and shall, upon conviction
therefor, be guilty of a gross misdemeanor.

Sec. 9. RCW 49.46.120 and 1961 ex.s. c 18 s 4 are each amended
to read as follows:

This chapter establishes ((a)) minimum standards for wages, paid
sick leave, and working conditions of all employees in this state,
unless exempted herefrom, and is in addition to and supplementary to
any other federal, state, or local law or ordinance, or any rule or
regulation issued thereunder. Any standards relating to wages, hours,
paid sick leave, or other working conditions established by any
applicable federal, state, or local law or ordinance, or any rule or
regulation issued thereunder, which are more favorable to employees
than the minimum standards applicable under this chapter, or any rule
or regulation issued hereunder, shall not be affected by this chapter
and such other laws, or rules or regulations, shall be in full force
and effect and may be enforced as provided by law.

NEW SECTION. Sec. 10. The state department of labor and
industries must adopt and implement rules to carry out and enforce
this act, including but not limited to procedures for notification to
employees and reporting regarding sick leave, and protecting
employees from retaliation for the lawful use of sick leave and
exercising other rights under this chapter. The department's rules
for enforcement of rights under this act shall be at least equal to
enforcement of the minimum wage.

NEW SECTION. Sec. 11. The provisions of this act are to be
liberally construed to effectuate the intent, policies, and purposes
of this act. Nothing in the act precludes local jurisdictions from
enacting additional local fair labor standards that are more
favorable to employees, including but not limited to more generous
minimum wage or paid sick leave requirements.

NEW SECTION. Sec. 12. This act shall be codified in chapter
49.46 RCW and is subject to RCW 49.46.040 (Investigation, etc.) and
RCW 49.46.070 (Recordkeeping).
NEW SECTION.  Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION.  Sec. 14. This act takes effect on January 1, 2017.