



## 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 8<sup>th</sup> 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 7<sup>th</sup> 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.



ATTEST:

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

  
Jay Inslee  
Governor

  
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**

1 AN ACT Relating to fair labor standards; amending RCW 49.46.005,  
2 49.46.020, 49.46.090, 49.46.100, and 49.46.120; adding new sections  
3 to chapter 49.46 RCW; prescribing penalties; and providing an  
4 effective date.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the people to  
7 establish fair labor standards and protect the rights of workers by  
8 increasing the hourly minimum wage to \$11.00 (2017), \$11.50 (2018),  
9 \$12.00 (2019) and \$13.50 (2020), and requiring employers to provide  
10 employees with paid sick leave to care for the health of themselves  
11 and their families.

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

14 (1) Whereas the establishment of a minimum wage for employees is  
15 a subject of vital and imminent concern to the people of this state  
16 and requires appropriate action by the legislature to establish  
17 minimum standards of employment within the state of Washington,  
18 therefore the legislature declares that in its considered judgment  
19 the health, safety and the general welfare of the citizens of this  
20 state require the enactment of this measure, and exercising its

1 police power, the legislature endeavors by this chapter to establish  
2 a minimum wage for employees of this state to encourage employment  
3 opportunities within the state. The provisions of this chapter are  
4 enacted in the exercise of the police power of the state for the  
5 purpose of protecting the immediate and future health, safety and  
6 welfare of the people of this state.

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

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

16 **PART I**

17 **ESTABLISHING FAIR LABOR STANDARDS BY INCREASING THE MINIMUM HOURLY**  
18 **WAGE TO \$11.00 (2017), \$11.50 (2018), \$12.00 (2019) AND \$13.50 (2020)**

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

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

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

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

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

36 (b) Beginning January 1, 2018, and until January 1, 2019, every  
37 employer shall pay to each of his or her employees who has reached

1 the age of eighteen years wages at a rate of not less than eleven  
2 dollars and fifty cents per hour.

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

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

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

16 (b) On September 30, (~~2000~~) 2020, and on each following  
17 September 30th, the department of labor and industries shall  
18 calculate an adjusted minimum wage rate to maintain employee  
19 purchasing power by increasing the current year's minimum wage rate  
20 by the rate of inflation. The adjusted minimum wage rate shall be  
21 calculated to the nearest cent using the consumer price index for  
22 urban wage earners and clerical workers, CPI-W, or a successor index,  
23 for the twelve months prior to each September 1st as calculated by  
24 the United States department of labor. Each adjusted minimum wage  
25 rate calculated under this subsection (~~(+4)~~) (2)(b) takes effect on  
26 the following January 1st.

27 (~~(+5)~~) (3) An employer must pay to its employees: (a) All tips  
28 and gratuities; and (b) all service charges as defined under RCW  
29 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized  
30 as not being payable to the employee or employees servicing the  
31 customer. Tips and service charges paid to an employee are in  
32 addition to, and may not count towards, the employee's hourly minimum  
33 wage.

34 (4) Beginning January 1, 2018, every employer must provide to  
35 each of its employees paid sick leave as provided in Part II of this  
36 act.

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

39 **PART II**

1           **ESTABLISHING FAIR LABOR STANDARDS BY REQUIRING EMPLOYERS TO**  
2                           **PROVIDE PAID SICK LEAVE TO EMPLOYEES**

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

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

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

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

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

25           (ii) To allow the employee to provide care for a family member  
26 with a mental or physical illness, injury, or health condition; care  
27 of a family member who needs medical diagnosis, care, or treatment of  
28 a mental or physical illness, injury, or health condition; or care  
29 for a family member who needs preventive medical care; and

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

34           (c) An employee is authorized to use paid sick leave for absences  
35 that qualify for leave under the domestic violence leave act, chapter  
36 49.76 RCW.

1 (d) An employee is entitled to use accrued paid sick leave  
2 beginning on the ninetieth calendar day after the commencement of his  
3 or her employment.

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

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

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

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

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

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

30 (k) This section does not require an employer to provide  
31 financial or other reimbursement for accrued and unused paid sick  
32 leave to any employee upon the employee's termination, resignation,  
33 retirement, or other separation from employment. When there is a  
34 separation from employment and the employee is rehired within twelve  
35 months of separation by the same employer, whether at the same or a  
36 different business location of the employer, previously accrued  
37 unused paid sick leave shall be reinstated and the previous period of  
38 employment shall be counted for purposes of determining the  
39 employee's eligibility to use paid sick leave under subsection (1)(d)  
40 of this section.

1 (2) For purposes of this section, "family member" means any of  
2 the following:

3 (a) A child, including a biological, adopted, or foster child,  
4 stepchild, or a child to whom the employee stands in loco parentis,  
5 is a legal guardian, or is a de facto parent, regardless of age or  
6 dependency status;

7 (b) A biological, adoptive, de facto, or foster parent,  
8 stepparent, or legal guardian of an employee or the employee's spouse  
9 or registered domestic partner, or a person who stood in loco  
10 parentis when the employee was a minor child;

11 (c) A spouse;

12 (d) A registered domestic partner;

13 (e) A grandparent;

14 (f) A grandchild; or

15 (g) A sibling.

16 (3) An employer may not adopt or enforce any policy that counts  
17 the use of paid sick leave time as an absence that may lead to or  
18 result in discipline against the employee.

19 (4) An employer may not discriminate or retaliate against an  
20 employee for his or her exercise of any rights under this chapter  
21 including the use of paid sick leave.

22 **PART III**

23 **MISCELLANEOUS**

24 NEW SECTION. **Sec. 6.** (1) Beginning January 1, 2017, all  
25 existing rights and remedies available under state or local law for  
26 enforcement of the minimum wage shall be applicable to enforce all of  
27 the rights established under this act.

28 (2) The state shall pay individual providers, as defined in RCW  
29 74.39A.240, in accordance with the minimum wage, overtime, and paid  
30 sick leave requirements of this chapter.

31 **Sec. 7.** RCW 49.46.090 and 2010 c 8 s 12043 are each amended to  
32 read as follows:

33 (1) Any employer who pays any employee less than ~~((wages))~~ the  
34 amounts to which such employee is entitled under or by virtue of this  
35 chapter, shall be liable to such employee affected for the full  
36 amount ~~((of such wage rate))~~ due to such employee under this chapter,  
37 less any amount actually paid to such employee by the employer, and



1 for costs and such reasonable attorney's fees as may be allowed by  
2 the court. Any agreement between such employee and the employer (~~to~~  
3 ~~work for~~) allowing the employee to receive less than (~~such wage~~  
4 ~~rate~~) what is due under this chapter shall be no defense to such  
5 action.

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

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

16 (1) Any employer who hinders or delays the director or his or her  
17 authorized representatives in the performance of his or her duties in  
18 the enforcement of this chapter, or refuses to admit the director or  
19 his or her authorized representatives to any place of employment, or  
20 fails to make, keep, and preserve any records as required under the  
21 provisions of this chapter, or falsifies any such record, or refuses  
22 to make any record accessible to the director or his or her  
23 authorized representatives upon demand, or refuses to furnish a sworn  
24 statement of such record or any other information required for the  
25 proper enforcement of this chapter to the director or his or her  
26 authorized representatives upon demand, or pays or agrees to pay  
27 (~~wages at a rate less than the rate applicable~~) an employee less  
28 than the employee is entitled to under this chapter, or otherwise  
29 violates any provision of this chapter or of any regulation issued  
30 under this chapter shall be deemed in violation of this chapter and  
31 shall, upon conviction therefor, be guilty of a gross misdemeanor.

32 (2) Any employer who discharges or in any other manner  
33 discriminates against any employee because such employee has made any  
34 complaint to his or her employer, to the director, or his or her  
35 authorized representatives that he or she has not been paid wages in  
36 accordance with the provisions of this chapter, or that the employer  
37 has violated any provision of this chapter, or because such employee  
38 has caused to be instituted or is about to cause to be instituted any  
39 proceeding under or related to this chapter, or because such employee

1 has testified or is about to testify in any such proceeding shall be  
2 deemed in violation of this chapter and shall, upon conviction  
3 therefor, be guilty of a gross misdemeanor.

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

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

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

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

32 NEW SECTION. **Sec. 12.** This act shall be codified in chapter  
33 49.46 RCW and is subject to RCW 49.46.040 (Investigation, etc.) and  
34 RCW 49.46.070 (Recordkeeping).

1        NEW SECTION.    **Sec. 13.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

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