

RCW 49.46.350 Transportation network companies—Paid sick time—Department investigation—Notice of assessment—Rules. (1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of RCW 49.46.300.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section. [2022 c 281 § 7.]