

FINAL BILL REPORT

ESSB 5793

C 356 L 24
Synopsis as Enacted

Brief Description: Concerning paid sick leave.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Keiser, Kuderer, Lovelett, Nobles, Stanford, Valdez and Wilson, C.).

Senate Committee on Labor & Commerce
House Committee on Labor & Workplace Standards

Background: Paid Sick Leave. Every employer must provide each of its employees at least one hour of paid sick leave for every 40 hours worked as an employee. An employee is entitled to use accrued paid sick leave beginning on the 90th calendar day after the commencement of employment.

An employee may use paid sick leave:

- for an absence resulting from an employee's mental or physical illness, injury, or health condition; or to accommodate the employee's need for medical diagnosis, care, treatment, or preventive medical care;
- 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, treatment, or preventive medical care;
- 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; and
- for absences that qualify for leave under the Domestic Violence Leave Act.

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

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- stood in loco parentis when the employee was a minor child;
- a spouse or registered domestic partner;
- a grandparent;
- a grandchild; or
- a sibling.

Transportation Network Company Drivers. A transportation network company (TNC) must provide to each driver operating on its driver platform compensation for earned paid sick time. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked. A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on TNC's driver platform.

A driver is entitled to use earned paid sick time for similar reasons as an employee and during a deactivation or other status that prevents the driver from performing network services on TNC's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

With respect to TNC drivers, family members are similar to those of an employee and means:

- a child, including a biological, adopted or foster child, stepchild, or a child to whom the driver 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 a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;
- a spouse or registered domestic partner;
- a grandparent;
- a grandchild; or
- a sibling.

Summary: An employee or TNC driver may use paid sick leave when their child's school or place of care is closed after the declaration of an emergency by a local or state government or agency, or by the federal government.

The definition of family member is modified for purposes of using paid sick leave. A family member also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation the employee care for the person and that individual depends on the employee for care. Family member includes any individual who regularly resides in the employee's home, except it does not include an individual who simply resides in the same home with no expectation the employee care for the individual. A child also includes a child's spouse. Grandchild means a child of the employee's child. Grandparent means a parent of the employee's parent.

For purposes of TNC drivers, the definitions are similarly modified with reference to the

driver, rather than the employee.

The Department of Labor and Industries must develop materials and conduct outreach to inform individuals and businesses of the new provisions of this act.

Votes on Final Passage:

Senate 28 21

House 76 19

Effective: January 1, 2025