

SENATE BILL REPORT

ESHB 1875

As Reported by Senate Committee On:
Labor & Commerce, March 21, 2025

Title: An act relating to allowing the use of paid sick leave to prepare for or participate in certain immigration proceedings.

Brief Description: Allowing the use of paid sick leave to prepare for or participate in certain immigration proceedings.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Salahuddin, Thai, Taylor, Fosse, Paul, Bergquist, Bronoske, Kloba, Pollet, Street, Stonier, Parshley, Obras, Thomas, Hill, Doglio, Berry, Reed, Ramel, Gregerson, Scott, Cortes, Simmons, Peterson and Zahn).

Brief History: Passed House: 3/6/25, 58-39.

Committee Activity: Labor & Commerce: 3/18/25, 3/21/25 [DP, DNP].

Brief Summary of Bill

- Allows employees and transportation network company drivers to use their paid sick leave or earned paid sick time for judicial or administrative immigration proceedings under certain circumstances.
- Requires employers and transportation network companies to accept documents or written statements for verification that an individual is using paid sick leave or earned paid sick time for an immigration proceeding.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; Alvarado, Ramos and Stanford.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun, MacEwen and Schoesler.

Staff: Susan Jones (786-7404)

Background: Employee Paid Sick Leave Accrual. Every employer must provide each of its employees paid sick leave. An employee accrues at least one hour of paid sick leave for every 40 hours worked.

Employee Use of Paid Sick Leave. An employee is authorized to use paid sick leave for:

- 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 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, or 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 health-related reason or after the declaration of an emergency by a local, state or federal government; and
- for absences that qualify for leave under the Domestic Violence Leave Act.

An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after starting employment. The employer must provide regular notification to employees about the amount of paid sick leave available to the employee.

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; or
- discriminate or retaliate against an employee for the employee's exercise of any rights including the use of paid sick leave.

Employer Verification of Authorized Purpose. 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. For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. Required 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 be an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements in the law.

Compensation for Paid Sick Leave. For each hour of paid sick leave used, an employee

must be paid the greater of the state minimum hourly wage rate or the employee's normal hourly compensation.

Carry Over and Accrued Paid Sick Leave. Accrued and unused paid sick leave carries over to the following year, but an employer is not required to allow an employee to carry over paid sick leave in excess of 40 hours.

An employer is not required 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 12 months of separation, previously accrued unused paid sick leave must be reinstated and the previous period of employment must be counted for eligibility purposes.

Definitions for Employee Paid Sick Leave. "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes 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. Any individual who regularly resides in the employee's home does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

"Child" means a biological, adopted, or foster child, a stepchild, a child's spouse, 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. "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

Driver's Accrual of Paid Sick Time. A transportation network company (TNC) must provide to each driver operating on its driver platform compensation for earned paid sick time. A driver must accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

Driver's Use of Earned Paid Sick Time. A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the TNC's driver platform. A TNC must establish an accessible system for drivers to request and use earned paid sick time, which must be available to drivers via smartphone application and online web portal.

A driver is entitled to use accrued earned paid sick time if the driver has used the TNC's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

A driver is entitled to use earned paid sick time for the following reasons:

- an absence resulting from the driver's mental or physical illness, injury, or health

- condition;
- to accommodate medical diagnosis, care, or treatment or preventive care;
- to allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition;
- care of a family member's needs, medical diagnosis, care, or treatment or preventive medical care;
- when the driver's child's school or place of care has been closed by order of a public official for any health-related reason or has been closed after the declaration of an emergency by a local, state or federal government;
- for absences for which an employee would be entitled for leave related to domestic violence; and
- during a deactivation or other status that prevents the driver from performing network services on the TNC's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

A TNC must provide each driver with:

- written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;
- an updated amount of accrued earned paid sick time since the last notification;
- reduced earned paid sick time since the last notification;
- any unused earned paid sick time available for use; and
- any amount that the TNC may subtract from the driver's compensation for earned paid sick time.

A TNC may not:

- adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network; or
- take any action against a driver that adversely affects the driver's use of the transportation network due to the driver's exercise of any rights including the use of earned paid sick time.

Compensation for Earned Paid Sick Time. For each hour of earned paid sick time used, a driver must be paid the driver's average hourly compensation. A TNC shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

Carry Over of Paid Earned Paid Sick Time. A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

If a driver does not record any passenger platform time in a TNC's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that TNC is no longer valid or recognized.

Verification for Authorized Uses of Earned Paid Sick Time. A TNC may not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee. If a TNC requires verification, the TNC must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

Definitions Related to Earned Paid Sick Time. "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of a driver, and also includes any individual who regularly resides in the driver's home or where the relationship creates an expectation that the driver care for the person, and that individual depends on the driver for care. "Family member" includes any individual who regularly resides in the driver's home, except that it does not include an individual who simply resides in the same home with no expectation that the driver care for the individual.

"Child" means a biological, adopted, or foster child, a stepchild, a child's spouse, 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. "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse, or an individual who stood in loco parentis to a driver when the driver was a child.

Summary of Bill: An employee or TNC driver is authorized to use paid sick leave or earned paid sick time to allow the employee or driver to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or driver or employee's or driver's family member.

For verification purposes for leave taken, an employee may submit, and the employer must accept:

- documentation that the employee or the employee's family member is involved in a qualifying immigration proceeding from any of the following persons from whom the employee or employee's family member sought assistance in addressing the proceeding: an advocate for immigrants or refugees, an attorney, a member of the clergy, or other professional; or
- an employee's written statement that the employee or the employee's family member is involved in a qualifying immigration proceeding and that the leave taken was for

that purpose.

The provision of documentation does not waive or diminish the confidential or privileged nature of communications between an employee or an employee's family member and one or more of the described individuals under applicable law. The documentation or written statement must not disclose any personally identifiable information about a person's immigration status or underlying immigration protection.

A TNC may not request or require reasonable verification of a driver's qualifying judicial or administrative immigration proceeding except as would be permitted to request of an employee.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: No worker in our state should have to choose between their paycheck and their family's future.

The current federal administration threatens aggressive and targeted apprehension and deportation of immigrants. This bill allows a worker to use sick leave to prepare for and attend essential immigration hearings without the risk of losing their income.

These complex judicial and administrative immigration hearings may span multiple appointments and require time away from work. There are only two immigration courts in Seattle. If an immigration court hearing is missed, the consequences may be an apprehension and removal order.

Families must make difficult decisions to show up for work when they or a family member need to prepare for an immigration court proceeding. The bill recognizes the human right for legal protection and the unique challenges faced by immigrant workers. The bill reflects our values of justice and equity, and helps maintain a more stable workforce.

The bill provides protections against employer retaliation and a verification process, allowing workers to provide documentation from trusted sources without an undue burden.

OTHER: We understand the intent of this bill but the concern is using leave.

Paid sick leave is for intended for health-related matters. Workers can already use paid sick leave for three days without stating the reason.

The domestic violence leave provides safe leave for workers to handle legal matters. It is

the most suitable framework for this leave, and is the most generous because workers can access PTO and also have job protection. It will not lessen the worker's flexibility.

Persons Testifying: PRO: Representative Osman Salahuddin, Prime Sponsor; Guillemos Zazueta, OneAmerica; Vanessa Guitierrez, Northwest Immigrant Rights Project; Jeremiah Miller, Fair Work Center.

OTHER: Rose Gundersen, WA Retail Association.

Persons Signed In To Testify But Not Testifying: No one.