
SUBSTITUTE HOUSE BILL 1875

State of Washington

69th Legislature

2025 Regular Session

By House 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)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to allowing the use of paid sick leave to prepare
2 for or participate in certain immigration proceedings; and reenacting
3 and amending RCW 49.46.210.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 49.46.210 and 2024 c 356 s 1 and 2024 c 39 s 1 are
6 each reenacted and amended to read as follows:

7 (1) Beginning January 1, 2018, except as provided in RCW
8 49.46.180, every employer shall provide each of its employees paid
9 sick leave as follows:

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

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

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

1 (ii) To allow the employee to provide care for a family member
2 with a mental or physical illness, injury, or health condition; care
3 of a family member who needs medical diagnosis, care, or treatment of
4 a mental or physical illness, injury, or health condition; or care
5 for a family member who needs preventive medical care; (~~and~~)

6 (iii) When the employee's place of business has been closed by
7 order of a public official for any health-related reason, or when an
8 employee's child's school or place of care has been closed for such a
9 health-related reason or after the declaration of an emergency by a
10 local or state government or agency, or by the federal government;
11 and

12 (iv) To allow the employee to prepare for, or participate in, any
13 judicial or administrative immigration proceeding involving the
14 employee or employee's family member.

15 (c) An employee is authorized to use paid sick leave for absences
16 that qualify for leave under the domestic violence leave act, chapter
17 49.76 RCW.

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

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

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

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

35 (ii) For purposes of fulfilling a request for verification for
36 leave taken under (b)(iv) of this subsection, an employee may submit,
37 and the employer must accept, a written statement describing the
38 employee or the employee's family member's involvement in a
39 qualifying proceeding from the employee or an advocate, an attorney,
40 or a member of the clergy who is assisting the employee or the

1 employee's family member in the proceeding. The written statement
2 must not disclose any personally identifiable information about a
3 person's immigration status or underlying immigration protection.

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

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

13 (j) Except as provided in (l) of this subsection, accrued and
14 unused paid sick leave carries over to the following year, but an
15 employer is not required to allow an employee to carry over paid sick
16 leave in excess of 40 hours.

17 (k) Except as provided in (l) of this subsection, an employer is
18 not required to provide financial or other reimbursement for accrued
19 and unused paid sick leave to any employee upon the employee's
20 termination, resignation, retirement, or other separation from
21 employment. When there is a separation from employment and the
22 employee is rehired within 12 months of separation by the same
23 employer, whether at the same or a different business location of the
24 employer, previously accrued unused paid sick leave shall be
25 reinstated and the previous period of employment shall be counted for
26 purposes of determining the employee's eligibility to use paid sick
27 leave under (d) of this subsection. For purposes of this subsection
28 (l)(k), "previously accrued and unused paid sick leave" does not
29 include sick leave paid out to a construction worker under (l) of
30 this subsection.

31 (l)(i) A construction industry employer must pay a construction
32 worker, who has not met the 90th day eligibility under (d) of this
33 subsection at the time of separation, the balance of the worker's
34 accrued and unused paid sick leave at the end of the established pay
35 period following the worker's separation pursuant to RCW
36 49.48.010(2).

37 (ii) The definitions in this subsection (l)(l)(ii) apply
38 throughout this subsection (l)(l) unless the context clearly requires
39 otherwise.

1 (A) "Construction worker" means a worker who performed service,
2 maintenance, or construction work on a jobsite, in the field or in a
3 fabrication shop using the tools of the worker's trade or craft.

4 (B) "Construction industry employer" means an employer in the
5 industry described in North American industry classification system
6 industry code 23, except for residential building construction code
7 2361.

8 (2) The definitions in this subsection apply throughout this
9 section, except for subsection (5) of this section:

10 (a) "Family member" means a child, grandchild, grandparent,
11 parent, sibling, or spouse of an employee, and also includes any
12 individual who regularly resides in the employee's home or where the
13 relationship creates an expectation that the employee care for the
14 person, and that individual depends on the employee for care. "Family
15 member" includes any individual who regularly resides in the
16 employee's home, except that it does not include an individual who
17 simply resides in the same home with no expectation that the employee
18 care for the individual.

19 (b) "Child" means a biological, adopted, or foster child, a
20 stepchild, a child's spouse, or a child to whom the employee stands
21 in loco parentis, is a legal guardian, or is a de facto parent,
22 regardless of age or dependency status.

23 (c) "Grandchild" means a child of the employee's child.

24 (d) "Grandparent" means a parent of the employee's parent.

25 (e) "Parent" means the biological, adoptive, de facto, or foster
26 parent, stepparent, or legal guardian of an employee or the
27 employee's spouse, or an individual who stood in loco parentis to an
28 employee when the employee was a child.

29 (f) "Spouse" means a husband or wife, as the case may be, or
30 state registered domestic partner.

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

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

37 (5)(a) The definitions in this subsection apply to this
38 subsection:

39 (i) "Average hourly compensation" means a driver's compensation
40 during passenger platform time from, or facilitated by, the

1 transportation network company, during the 365 days immediately prior
2 to the day that paid sick time is used, divided by the total hours of
3 passenger platform time worked by the driver on that transportation
4 network company's driver platform during that period. "Average hourly
5 compensation" does not include tips.

6 (ii) "Driver," "driver platform," "passenger platform time," and
7 "transportation network company" have the meanings provided in RCW
8 49.46.300.

9 (iii) "Earned paid sick time" is the time provided by a
10 transportation network company to a driver as calculated under this
11 subsection. For each hour of earned paid sick time used by a driver,
12 the transportation network company shall compensate the driver at a
13 rate equal to the driver's average hourly compensation.

14 (iv) For purposes of drivers, the following definitions apply:

15 (A) "Family member" means a child, grandchild, grandparent,
16 parent, sibling, or spouse of a driver, and also includes any
17 individual who regularly resides in the driver's home or where the
18 relationship creates an expectation that the driver care for the
19 person, and that individual depends on the driver for care. "Family
20 member" includes any individual who regularly resides in the driver's
21 home, except that it does not include an individual who simply
22 resides in the same home with no expectation that the driver care for
23 the individual.

24 (B) "Child" means a biological, adopted, or foster child, a
25 stepchild, a child's spouse, or a child to whom the driver stands in
26 loco parentis, is a legal guardian, or is a de facto parent,
27 regardless of age or dependency status.

28 (C) "Grandchild" means a child of the driver's child.

29 (D) "Grandparent" means a parent of the driver's parent.

30 (E) "Parent" means the biological, adoptive, de facto, or foster
31 parent, stepparent, or legal guardian of a driver or the driver's
32 spouse, or an individual who stood in loco parentis to a driver when
33 the driver was a child.

34 (F) "Spouse" means a husband or wife, as the case may be, or
35 state registered domestic partner.

36 (b) Beginning January 1, 2023, a transportation network company
37 must provide to each driver operating on its driver platform
38 compensation for earned paid sick time as required by this subsection
39 and subject to the provisions of this subsection. A driver shall

1 accrue one hour of earned paid sick time for every 40 hours of
2 passenger platform time worked.

3 (c) A driver is entitled to use accrued earned paid sick time
4 upon recording 90 hours of passenger platform time on the
5 transportation network company's driver platform.

6 (d) For each hour of earned paid sick time used, a driver shall
7 be paid the driver's average hourly compensation.

8 (e) A transportation network company shall establish an
9 accessible system for drivers to request and use earned paid sick
10 time. The system must be available to drivers via smartphone
11 application and online web portal.

12 (f) A driver may carry over up to 40 hours of unused earned paid
13 sick time to the next calendar year. If a driver carries over unused
14 earned paid sick time to the following year, accrual of earned paid
15 sick time in the subsequent year must be in addition to the hours
16 accrued in the previous year and carried over.

17 (g) A driver is entitled to use accrued earned paid sick time if
18 the driver has used the transportation network company's platform as
19 a driver within 90 calendar days preceding the driver's request to
20 use earned paid sick time.

21 (h) A driver is entitled to use earned paid sick time for the
22 following reasons:

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

28 (ii) To allow the driver to provide care for a family member with
29 a mental or physical illness, injury, or health condition; care of a
30 family member who needs medical diagnosis, care, or treatment of a
31 mental or physical illness, injury, or health condition; or care for
32 a family member who needs preventive medical care;

33 (iii) When the driver's child's school or place of care has been
34 closed by order of a public official for any health-related reason or
35 has been closed after the declaration of an emergency by a local or
36 state government or agency, or by the federal government;

37 (iv) For absences for which an employee would be entitled for
38 leave under RCW 49.76.030; ((and))

39 (v) During a deactivation or other status that prevents the
40 driver from performing network services on the transportation network

1 company's platform, unless the deactivation or status is due to a
2 verified allegation of sexual assault or physical assault perpetrated
3 by the driver; and

4 (vi) To allow the driver to prepare for, or participate in, any
5 judicial or administrative immigration proceeding involving the
6 driver or driver's family member.

7 (i) If a driver does not record any passenger platform time in a
8 transportation network company's driver platform for 365 or more
9 consecutive days, any unused earned paid sick time accrued up to that
10 point with that transportation network company is no longer valid or
11 recognized.

12 (j) Drivers may use accrued days of earned paid sick time in
13 increments of a minimum of four or more hours. Drivers are entitled
14 to request four or more hours of earned paid sick time for immediate
15 use, including consecutive days of use. Drivers are not entitled to
16 use more than eight hours of earned paid sick time within a single
17 calendar day.

18 (k) A transportation network company shall compensate a driver
19 for requested hours or days of earned paid sick time no later than 14
20 calendar days or the next regularly scheduled date of compensation
21 following the requested hours or days of earned paid sick time.

22 (l) A transportation network company shall not request or require
23 reasonable verification of a driver's qualifying illness or of a
24 driver's qualifying judicial or administrative immigration proceeding
25 except as would be permitted to be requested of an employee under
26 subsection (1)(g) of this section. If a transportation network
27 company requires verification pursuant to this subsection, the
28 transportation network company must compensate the driver for the
29 requested hours or days of earned paid sick time no later than the
30 driver's next regularly scheduled date of compensation after
31 satisfactory verification is provided.

32 (m) If a driver accepts an offer of prearranged services for
33 compensation from a transportation network company during the four-
34 hour period or periods for which the driver requested earned paid
35 sick time, a transportation network company may determine that the
36 driver did not use earned paid sick time for an authorized purpose.

37 (n) A transportation network company shall provide each driver
38 with:

- 1 (i) Written notification of the current rate of average hourly
2 compensation while a passenger is in the vehicle during the most
3 recent calendar month for use of earned paid sick time;
- 4 (ii) An updated amount of accrued earned paid sick time since the
5 last notification;
- 6 (iii) Reduced earned paid sick time since the last notification;
- 7 (iv) Any unused earned paid sick time available for use; and
- 8 (v) Any amount that the transportation network company may
9 subtract from the driver's compensation for earned paid sick time.
10 The transportation network company shall provide this information to
11 the driver no less than monthly. The transportation network company
12 may choose a reasonable system for providing this notification,
13 including but not limited to: A pay stub; a weekly summary of
14 compensation information; or an online system where drivers can
15 access their own earned paid sick time information. A transportation
16 network company is not required to provide this information to a
17 driver if the driver has not worked any days since the last
18 notification.
- 19 (o) A transportation network company may not adopt or enforce any
20 policy that counts the use of earned paid sick time as an absence
21 that may lead to or result in any action that adversely affects the
22 driver's use of the transportation network.
- 23 (p) A transportation network company may not take any action
24 against a driver that adversely affects the driver's use of the
25 transportation network due to his or her exercise of any rights under
26 this subsection including the use of earned paid sick time.
- 27 (q) The department may adopt rules to implement this subsection.

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