

**WAC 296-128-700 Paid time off (PTO) programs.** (1) Paid time off (PTO) provided to employees by an employer's PTO program (e.g., a program that combines vacation leave, sick leave, or other forms of leave into one pool), created by a written policy or a collective bargaining agreement, satisfies the requirement to provide paid sick leave if the PTO program meets or exceeds the provisions of RCW 49.46.200 and 49.46.210, and all applicable rules, including:

(a) Accrual of PTO leave at a rate of not less than one hour for every forty hours worked as an employee;

(b) Payment for PTO leave at the employee's normal hourly compensation;

(c) Carryover of at least forty hours of accrued, unused PTO leave to the following year ("year" as defined at WAC 296-128-620(6));

(d) Access to use PTO leave for all the purposes authorized under RCW 49.46.210 (1)(b) and (c); and

(e) Employer notification and recordkeeping requirements set forth in WAC 296-128-010 and 296-128-760.

(2) If an employee chooses to use their PTO leave for purposes other than those authorized under RCW 49.46.210 (1)(b) and (c), and the need for use of paid sick leave later arises when no additional PTO leave is available, the employer is not required to provide any additional PTO leave to the employee as long as the employer's PTO program meets or exceeds the provisions of RCW 49.46.200 and 49.46.210, and all applicable rules.

[Statutory Authority: RCW 49.46.810. WSR 17-21-092, § 296-128-700, filed 10/17/17, effective 1/1/18.]