

**WAC 296-128-99170 Paid time off (PTO) programs.** (1) Paid time off (PTO) provided to drivers by a transportation network company's PTO program (i.e., a program that combines leave for multiple purposes into one pool), created by a written policy or agreement with a third-party administrator, satisfies the requirement to provide paid sick time if the PTO program meets or exceeds the provisions of RCW 49.46.210 and all applicable rules, including:

(a) Accrual of PTO leave at a rate of not less than one hour for every 40 hours of passenger platform time worked as a driver;

(b) Payment for PTO leave at a rate of no less than the driver's average hourly compensation;

(c) Carryover of at least 40 hours of unused earned PTO leave to the next calendar year;

(d) Access to use PTO leave for all the purposes authorized under RCW 49.46.210 (5) (h); and

(e) Transportation network company notification and recordkeeping requirements set forth in RCW 49.46.210 and all applicable rules.

(2) If a driver chooses to use PTO leave for purposes other than those authorized under RCW 49.46.210 and the need for use of paid sick time later arises when no additional PTO leave is available, the transportation network company is not required to provide any additional PTO leave to the driver as long as the transportation network company's PTO program meets or exceeds the provisions of RCW 49.46.210 and all applicable rules.

[Statutory Authority: RCW 49.46.300(16) and chapter 49.46 RCW. WSR 22-24-034, § 296-128-99170, filed 11/30/22, effective 1/1/23.]