

**WAC 296-128-765 Construction workers under RCW 49.46.210 (1) (1) (effective January 1, 2024).** (1) Following separation, employers must pay the balance of accrued and unused paid sick leave to construction workers classified under NAICS code 23 who have not reached the 90th calendar day of employment, except for construction workers who perform work limited to work only under NAICS code 236100.

(2) When a construction worker is rehired within 12 months of separation, whether at the same or a different business location of the employer, any sick leave previously paid out following separation does not need to be reinstated.

(3) When a construction worker is rehired within 12 months of separation, whether at the same or a different business location of the employer, the previous period of employment must be counted for purposes of determining the date upon which the employee is entitled to use paid sick leave.

[Statutory Authority: Chapter 49.46 RCW. WSR 23-24-044, § 296-128-765, filed 11/30/23, effective 1/1/24.]