

WAC 296-128-630 Paid sick leave usage. (1) An employee is entitled to use paid sick leave for the authorized purposes outlined in RCW 49.46.210 (1)(b) and (c). This right means an employee has the choice about whether or not to use accrued, unused paid sick leave when a qualified purpose occurs and an employer may not require an employee to use accrued, unused paid sick leave if the employee does not choose to request to use paid sick leave.

(2) An employee is entitled to use accrued, unused paid sick leave beginning on the 90th calendar day after the commencement of their employment. Employers may allow employees to use accrued, unused paid sick leave prior to the 90th calendar day after the commencement of their employment.

(3) Beginning on the 90th calendar day after the commencement of their employment, employers must make accrued paid sick leave available to employees for use in a manner consistent with the employer's established payment interval or leave records management system, not to exceed one month after the date of accrual.

(4) Unless a greater increment is approved by a variance as provided by WAC 296-128-640, employers must allow employees to use paid sick leave in increments consistent with the employer's payroll system and practices, not to exceed one hour. For example, if an employer's normal practice is to track increments of work for the purposes of compensation in 15-minute increments, then an employer must allow employees to use paid sick leave in 15-minute increments.

(5) Paid sick leave pay may be paid to construction workers covered by a collective bargaining agreement before the usage of the leave under the terms of a collective bargaining agreement if an employer meets the requirements of RCW 49.46.180 and any applicable rules.

[Statutory Authority: Chapter 49.46 RCW. WSR 23-24-044, § 296-128-630, filed 11/30/23, effective 1/1/24. Statutory Authority: RCW 49.46.810. WSR 17-21-092, § 296-128-630, filed 10/17/17, effective 1/1/18.]