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MEMORANDUM

To: Washington State Fire Districts and Regional Fire Authorities

From: Brian Snure

Re: Minimum Wage and Sick Leave Update

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After our 2016 Laws Update Seminar, Washington State Voters approved Initiative 1433. This initiative will have the following impacts on your fire department.

Minimum Wage. Effective January 1, 2017, the state minimum wage will increase to \$11.00 per hour. Fire Departments with hourly employees or with employees working significant hours for a low salary will need to make sure the employees are being paid minimum wage. The initiative provides that the minimum wage in future years will increase as follows:

January 1, 2018 \$11.50 per hour

January 1, 2019 \$12.00 per hour

January 1, 2020 \$13.50 per hour

Beginning January 1, 2021 and beyond the minimum wage will be increased by CPI.

Paid Sick Leave. Effective January 1, 2018, employers will need, at a minimum, to provide all paid employees with one hour of paid sick leave for every forty hours worked. This requirement applies regardless of whether employees are part time or full time.¹ For example, a part time employee working 10 hours per week would, on average, earn an hour of paid sick leave once a month. There is also no distinction between salaried and hourly employees. If your department has salaried employees that do not currently earn sick leave then, beginning in January 2018, those employees will need to track hours for sick leave purposes. Many fire departments will need to update employment agreements, policies and employee benefit packages to accurately track and manage this new requirement before it becomes effective in 2018. The key elements of the new sick leave rules are summarized on page two:

¹ **Volunteers.** The above rules do not apply to bona fide volunteers as determined under the Fair Labor Standards Act rules (RCW 49.46.010(3)(e)). For additional information on how to properly structure and manage volunteer status you can obtain my memorandum on Volunteer Compensation at <http://snurelaw.com/resources/>

Paid Sick Leave Requirements (Effective January 1, 2018)

- Sick leave hours must be paid out at the effective minimum wage rate or the employees regular rate of pay, whichever is higher.
- Employees are entitled to begin using paid sick leave on the nineteenth day after becoming employed.
- Paid sick leave may be used for the employee or a family member's mental or physical illness, injury, or health condition, or for the diagnosis or treatment of health conditions including preventive medical care.
- Paid sick leave may be used by an employee for purposes that qualify for domestic violence leave under chapter 49.76 RCW.
- Employer's may require employees to provide reasonable notice if the notice requirement does not interfere with the employee's use of sick leave.
- Employer's may require verification that sick leave is used for an authorized purpose when such leave exceeds three days if the verification does not result in an unreasonable burden or expense for the employee.
- Employer's may not require that employees find replacements.
- Employees have a right to carry over up to 40 hours of unused sick leave each year.
- Employers are not required to cash out unused sick leave when an employee separates from employment.
- Employers may not discipline employees for absences related to the use of paid sick leave.
- Employers may adopt more generous sick leave policies.