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| IN PERSON |

QUESTIONS FOR | STEVE PELTIN

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Seattle attorney Steve Peltin is chairman of Foster Pepper's employment and labor relations practice. Through blogging, meetings with trade groups and talking with clients, Peltin has been giving advice to employers trying to interpret the city of Seattle's paid sick and safe time ordinance, which went into effect in September.



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IN A NUTSHELL, WHAT DOES THE NEW CITY ORDINANCE REQUIRE FROM EMPLOYERS? This ordinance requires employers to provide paid sick leave and safe leave for specific employees, sick leave being time for illness, treatment, preventative care. That's for the employee and for specific family members. Safe time is probably less frequent. That's time off where the employee or family member experiences domestic violence, sexual assault, stalking, closure of a workplace or the child's school because of an infectious agent, biological toxin or hazardous materials.

ARE THERE EXEMPTIONS? Employers with four or fewer full-time equivalent employees in the city are exempt. There are exemptions for the kind of employee as well. It does cover full-time and part-time. It covers temps. It covers even undocumented workers. It won't cover independent contractors or work-study students. It won't cover employees who might be telecommuting into Seattle but are actually physically outside of Seattle. It also doesn't cover any state or federal workers. It does cover union employees as well, unless there is a specific waiver of rights.

WHAT ARE THE PENALTIES FOR NOT COMPLYING? They are pretty limited. For the most part, if the employee doesn't get a favorable response after talking to the employer informally, then they have a right to complain to the Seattle Office for Civil Rights.

ARE THERE FINES? No, it's not that severe. If the em-

ployee files a complaint with the city, the Office for Civil Rights will send notice to the employer and give the employer an opportunity to correct the problem if there is one. If the employee is still dissatisfied, the Office for Civil Rights can conduct an investigation. There are sanctions if the employer goes through all of this process and is found to not be in compliance.

IT SOUNDS LIKE THIS IS A LONG PROCESS THAT OFFERS EMPLOYERS MANY OPPORTUNITIES TO COMPLY BEFORE THERE ARE PENALTIES. That's absolutely true. The city has come out publicly and said it is not interested in punishment or in trying to catch people in violation, but instead, wants to work with employers to get them to comply with the ordinance.

THE NEW SICK LEAVE ORDINANCE SEEMS COMPLICATED. IS THERE A CHANCE THAT SOME EMPLOYERS COULD UNKNOWINGLY VIOLATE THE ORDINANCE? There are two kinds of employers who may be covered. One is employers who have employees who work in the city. Then there are employers who have workers who are outside of the city of Seattle but travel into the city to do business. These employers are covered to the extent their workers come into the city to do work. After a while, if employees are spending all of their time on a job site here, they may become Seattle employees. The group that's more difficult to deal with are workers with a company that does deliveries. They are headquartered in Renton or SeaTac and they have deliveries to make in the city. For the hours that people

spend making deliveries in the city, those are hours that are counted in determining the sick and safe time that is accrued by that particular worker.

NOW IT SEEMS IT IS REALLY GETTING CONFUSING FOR EMPLOYERS: That's where it gets a little bit complicated for out-of-city employers who may not be as up on what the requirements are here. If you are an employer in Tukwila and you have a worker making a delivery to Everett and that worker is traveling through Seattle, that's not counted. But if you have someone who is making deliveries from a Tukwila employer, but making deliveries all over the place, the time they are spending delivering in Seattle, those are hours that are counted. The other thing that is interesting about the out-of-city people is that for the first 240 hours they work in Seattle (30 eight-hour days) they don't accrue sick or safe time as long as they are only coming here on an incidental basis. But on the other hand, if you have a regular schedule where you are working in Seattle, it is a different situation. Let's say an employee is working at a bank branch in Bellevue, but once a week they come in and act as a relief teller in a Seattle-based location, on a schedule that goes every week. That counts from hour one. But an employee gets credit only for the hours they work in Seattle and can only use the sick hours while working in Seattle.

— Interview conducted and condensed BY GREG LAMM