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ENGROSSED SUBSTITUTE HOUSE BILL 1875

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State of Washington

69th Legislature

2025 Regular Session

**By** House Labor & Workplace Standards (originally sponsored by Representatives Salahuddin, Thai, Taylor, Fosse, Paul, Bergquist, Bronoske, Kloba, Pollet, Street, Stonier, Parshley, Obras, Thomas, Hill, Doglio, Berry, Reed, Ramel, Gregerson, Scott, Cortes, Simmons, Peterson, and Zahn)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to allowing the use of paid sick leave to prepare  
2 for or participate in certain immigration proceedings; and reenacting  
3 and amending RCW 49.46.210.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 49.46.210 and 2024 c 356 s 1 and 2024 c 39 s 1 are  
6 each reenacted and amended to read as follows:

7 (1) Beginning January 1, 2018, except as provided in RCW  
8 49.46.180, every employer shall provide each of its employees paid  
9 sick leave as follows:

10 (a) An employee shall accrue at least one hour of paid sick leave  
11 for every forty hours worked as an employee. An employer may provide  
12 paid sick leave in advance of accrual provided that such front-  
13 loading meets or exceeds the requirements of this section for  
14 accrual, use, and carryover of paid sick leave.

15 (b) An employee is authorized to use paid sick leave for the  
16 following reasons:

17 (i) An absence resulting from an employee's mental or physical  
18 illness, injury, or health condition; to accommodate the employee's  
19 need for medical diagnosis, care, or treatment of a mental or  
20 physical illness, injury, or health condition; or an employee's need  
21 for preventive medical care;

1 (ii) To allow the employee to provide care for a family member  
2 with a mental or physical illness, injury, or health condition; care  
3 of a family member who needs medical diagnosis, care, or treatment of  
4 a mental or physical illness, injury, or health condition; or care  
5 for a family member who needs preventive medical care; (~~and~~)

6 (iii) When the employee's place of business has been closed by  
7 order of a public official for any health-related reason, or when an  
8 employee's child's school or place of care has been closed for such a  
9 health-related reason or after the declaration of an emergency by a  
10 local or state government or agency, or by the federal government;  
11 and

12 (iv) To allow the employee to prepare for, or participate in, any  
13 judicial or administrative immigration proceeding involving the  
14 employee or employee's family member.

15 (c) An employee is authorized to use paid sick leave for absences  
16 that qualify for leave under the domestic violence leave act, chapter  
17 49.76 RCW.

18 (d) An employee is entitled to use accrued paid sick leave  
19 beginning on the ninetieth calendar day after the commencement of his  
20 or her employment.

21 (e) Employers are not prevented from providing more generous paid  
22 sick leave policies or permitting use of paid sick leave for  
23 additional purposes.

24 (f) An employer may require employees to give reasonable notice  
25 of an absence from work, so long as such notice does not interfere  
26 with an employee's lawful use of paid sick leave.

27 (g) (i) For absences exceeding three days, an employer may require  
28 verification that an employee's use of paid sick leave is for an  
29 authorized purpose. If an employer requires verification,  
30 verification must be provided to the employer within a reasonable  
31 time period during or after the leave. An employer's requirements for  
32 verification may not result in an unreasonable burden or expense on  
33 the employee and may not exceed privacy or verification requirements  
34 otherwise established by law.

35 (ii) (A) For purposes of fulfilling a request for verification for  
36 leave taken under (b) (iv) of this subsection, an employee may submit,  
37 and the employer must accept:

38 (I) Documentation that the employee or the employee's family  
39 member is involved in a qualifying immigration proceeding from any of  
40 the following persons from whom the employee or employee's family

1 member sought assistance in addressing the proceeding: An advocate  
2 for immigrants or refugees, an attorney, a member of the clergy, or  
3 other professional. The provision of documentation under this  
4 subsection does not waive or diminish the confidential or privileged  
5 nature of communications between an employee or an employee's family  
6 member and one or more of the individuals described in this  
7 subsection pursuant to RCW 5.60.060 or other applicable law; or

8 (II) An employee's written statement that the employee or the  
9 employee's family member is involved in a qualifying immigration  
10 proceeding and that the leave taken was for one of the purposes  
11 described in (b) (iv) of this subsection.

12 (B) The documentation or written statement must not disclose any  
13 personally identifiable information about a person's immigration  
14 status or underlying immigration protection.

15 (h) An employer may not require, as a condition of an employee  
16 taking paid sick leave, that the employee search for or find a  
17 replacement worker to cover the hours during which the employee is on  
18 paid sick leave.

19 (i) For each hour of paid sick leave used, an employee shall be  
20 paid the greater of the minimum hourly wage rate established in this  
21 chapter or his or her normal hourly compensation. The employer is  
22 responsible for providing regular notification to employees about the  
23 amount of paid sick leave available to the employee.

24 (j) Except as provided in (l) of this subsection, accrued and  
25 unused paid sick leave carries over to the following year, but an  
26 employer is not required to allow an employee to carry over paid sick  
27 leave in excess of 40 hours.

28 (k) Except as provided in (l) of this subsection, an employer is  
29 not required to provide financial or other reimbursement for accrued  
30 and unused paid sick leave to any employee upon the employee's  
31 termination, resignation, retirement, or other separation from  
32 employment. When there is a separation from employment and the  
33 employee is rehired within 12 months of separation by the same  
34 employer, whether at the same or a different business location of the  
35 employer, previously accrued unused paid sick leave shall be  
36 reinstated and the previous period of employment shall be counted for  
37 purposes of determining the employee's eligibility to use paid sick  
38 leave under (d) of this subsection. For purposes of this subsection  
39 (1)(k), "previously accrued and unused paid sick leave" does not

1 include sick leave paid out to a construction worker under (1) of  
2 this subsection.

3 (1)(i) A construction industry employer must pay a construction  
4 worker, who has not met the 90th day eligibility under (d) of this  
5 subsection at the time of separation, the balance of the worker's  
6 accrued and unused paid sick leave at the end of the established pay  
7 period following the worker's separation pursuant to RCW  
8 49.48.010(2).

9 (ii) The definitions in this subsection (1)(1)(ii) apply  
10 throughout this subsection (1)(1) unless the context clearly requires  
11 otherwise.

12 (A) "Construction worker" means a worker who performed service,  
13 maintenance, or construction work on a jobsite, in the field or in a  
14 fabrication shop using the tools of the worker's trade or craft.

15 (B) "Construction industry employer" means an employer in the  
16 industry described in North American industry classification system  
17 industry code 23, except for residential building construction code  
18 2361.

19 (2) The definitions in this subsection apply throughout this  
20 section, except for subsection (5) of this section:

21 (a) "Family member" means a child, grandchild, grandparent,  
22 parent, sibling, or spouse of an employee, and also includes any  
23 individual who regularly resides in the employee's home or where the  
24 relationship creates an expectation that the employee care for the  
25 person, and that individual depends on the employee for care. "Family  
26 member" includes any individual who regularly resides in the  
27 employee's home, except that it does not include an individual who  
28 simply resides in the same home with no expectation that the employee  
29 care for the individual.

30 (b) "Child" means a biological, adopted, or foster child, a  
31 stepchild, a child's spouse, or a child to whom the employee stands  
32 in loco parentis, is a legal guardian, or is a de facto parent,  
33 regardless of age or dependency status.

34 (c) "Grandchild" means a child of the employee's child.

35 (d) "Grandparent" means a parent of the employee's parent.

36 (e) "Parent" means the biological, adoptive, de facto, or foster  
37 parent, stepparent, or legal guardian of an employee or the  
38 employee's spouse, or an individual who stood in loco parentis to an  
39 employee when the employee was a child.

1 (f) "Spouse" means a husband or wife, as the case may be, or  
2 state registered domestic partner.

3 (3) An employer may not adopt or enforce any policy that counts  
4 the use of paid sick leave time as an absence that may lead to or  
5 result in discipline against the employee.

6 (4) An employer may not discriminate or retaliate against an  
7 employee for his or her exercise of any rights under this chapter  
8 including the use of paid sick leave.

9 (5)(a) The definitions in this subsection apply to this  
10 subsection:

11 (i) "Average hourly compensation" means a driver's compensation  
12 during passenger platform time from, or facilitated by, the  
13 transportation network company, during the 365 days immediately prior  
14 to the day that paid sick time is used, divided by the total hours of  
15 passenger platform time worked by the driver on that transportation  
16 network company's driver platform during that period. "Average hourly  
17 compensation" does not include tips.

18 (ii) "Driver," "driver platform," "passenger platform time," and  
19 "transportation network company" have the meanings provided in RCW  
20 49.46.300.

21 (iii) "Earned paid sick time" is the time provided by a  
22 transportation network company to a driver as calculated under this  
23 subsection. For each hour of earned paid sick time used by a driver,  
24 the transportation network company shall compensate the driver at a  
25 rate equal to the driver's average hourly compensation.

26 (iv) For purposes of drivers, the following definitions apply:

27 (A) "Family member" means a child, grandchild, grandparent,  
28 parent, sibling, or spouse of a driver, and also includes any  
29 individual who regularly resides in the driver's home or where the  
30 relationship creates an expectation that the driver care for the  
31 person, and that individual depends on the driver for care. "Family  
32 member" includes any individual who regularly resides in the driver's  
33 home, except that it does not include an individual who simply  
34 resides in the same home with no expectation that the driver care for  
35 the individual.

36 (B) "Child" means a biological, adopted, or foster child, a  
37 stepchild, a child's spouse, or a child to whom the driver stands in  
38 loco parentis, is a legal guardian, or is a de facto parent,  
39 regardless of age or dependency status.

40 (C) "Grandchild" means a child of the driver's child.

1 (D) "Grandparent" means a parent of the driver's parent.

2 (E) "Parent" means the biological, adoptive, de facto, or foster  
3 parent, stepparent, or legal guardian of a driver or the driver's  
4 spouse, or an individual who stood in loco parentis to a driver when  
5 the driver was a child.

6 (F) "Spouse" means a husband or wife, as the case may be, or  
7 state registered domestic partner.

8 (b) Beginning January 1, 2023, a transportation network company  
9 must provide to each driver operating on its driver platform  
10 compensation for earned paid sick time as required by this subsection  
11 and subject to the provisions of this subsection. A driver shall  
12 accrue one hour of earned paid sick time for every 40 hours of  
13 passenger platform time worked.

14 (c) A driver is entitled to use accrued earned paid sick time  
15 upon recording 90 hours of passenger platform time on the  
16 transportation network company's driver platform.

17 (d) For each hour of earned paid sick time used, a driver shall  
18 be paid the driver's average hourly compensation.

19 (e) A transportation network company shall establish an  
20 accessible system for drivers to request and use earned paid sick  
21 time. The system must be available to drivers via smartphone  
22 application and online web portal.

23 (f) A driver may carry over up to 40 hours of unused earned paid  
24 sick time to the next calendar year. If a driver carries over unused  
25 earned paid sick time to the following year, accrual of earned paid  
26 sick time in the subsequent year must be in addition to the hours  
27 accrued in the previous year and carried over.

28 (g) A driver is entitled to use accrued earned paid sick time if  
29 the driver has used the transportation network company's platform as  
30 a driver within 90 calendar days preceding the driver's request to  
31 use earned paid sick time.

32 (h) A driver is entitled to use earned paid sick time for the  
33 following reasons:

34 (i) An absence resulting from the driver's mental or physical  
35 illness, injury, or health condition; to accommodate the driver's  
36 need for medical diagnosis, care, or treatment of a mental or  
37 physical illness, injury, or health condition; or an employee's need  
38 for preventive medical care;

39 (ii) To allow the driver to provide care for a family member with  
40 a mental or physical illness, injury, or health condition; care of a

1 family member who needs medical diagnosis, care, or treatment of a  
2 mental or physical illness, injury, or health condition; or care for  
3 a family member who needs preventive medical care;

4 (iii) When the driver's child's school or place of care has been  
5 closed by order of a public official for any health-related reason or  
6 has been closed after the declaration of an emergency by a local or  
7 state government or agency, or by the federal government;

8 (iv) For absences for which an employee would be entitled for  
9 leave under RCW 49.76.030; (~~and~~)

10 (v) During a deactivation or other status that prevents the  
11 driver from performing network services on the transportation network  
12 company's platform, unless the deactivation or status is due to a  
13 verified allegation of sexual assault or physical assault perpetrated  
14 by the driver; and

15 (vi) To allow the driver to prepare for, or participate in, any  
16 judicial or administrative immigration proceeding involving the  
17 driver or driver's family member.

18 (i) If a driver does not record any passenger platform time in a  
19 transportation network company's driver platform for 365 or more  
20 consecutive days, any unused earned paid sick time accrued up to that  
21 point with that transportation network company is no longer valid or  
22 recognized.

23 (j) Drivers may use accrued days of earned paid sick time in  
24 increments of a minimum of four or more hours. Drivers are entitled  
25 to request four or more hours of earned paid sick time for immediate  
26 use, including consecutive days of use. Drivers are not entitled to  
27 use more than eight hours of earned paid sick time within a single  
28 calendar day.

29 (k) A transportation network company shall compensate a driver  
30 for requested hours or days of earned paid sick time no later than 14  
31 calendar days or the next regularly scheduled date of compensation  
32 following the requested hours or days of earned paid sick time.

33 (l) A transportation network company shall not request or require  
34 reasonable verification of a driver's qualifying illness or of a  
35 driver's qualifying judicial or administrative immigration proceeding  
36 except as would be permitted to be requested of an employee under  
37 subsection (1)(g) of this section. If a transportation network  
38 company requires verification pursuant to this subsection, the  
39 transportation network company must compensate the driver for the  
40 requested hours or days of earned paid sick time no later than the

1 driver's next regularly scheduled date of compensation after  
2 satisfactory verification is provided.

3 (m) If a driver accepts an offer of prearranged services for  
4 compensation from a transportation network company during the four-  
5 hour period or periods for which the driver requested earned paid  
6 sick time, a transportation network company may determine that the  
7 driver did not use earned paid sick time for an authorized purpose.

8 (n) A transportation network company shall provide each driver  
9 with:

10 (i) Written notification of the current rate of average hourly  
11 compensation while a passenger is in the vehicle during the most  
12 recent calendar month for use of earned paid sick time;

13 (ii) An updated amount of accrued earned paid sick time since the  
14 last notification;

15 (iii) Reduced earned paid sick time since the last notification;

16 (iv) Any unused earned paid sick time available for use; and

17 (v) Any amount that the transportation network company may  
18 subtract from the driver's compensation for earned paid sick time.  
19 The transportation network company shall provide this information to  
20 the driver no less than monthly. The transportation network company  
21 may choose a reasonable system for providing this notification,  
22 including but not limited to: A pay stub; a weekly summary of  
23 compensation information; or an online system where drivers can  
24 access their own earned paid sick time information. A transportation  
25 network company is not required to provide this information to a  
26 driver if the driver has not worked any days since the last  
27 notification.

28 (o) A transportation network company may not adopt or enforce any  
29 policy that counts the use of earned paid sick time as an absence  
30 that may lead to or result in any action that adversely affects the  
31 driver's use of the transportation network.

32 (p) A transportation network company may not take any action  
33 against a driver that adversely affects the driver's use of the  
34 transportation network due to his or her exercise of any rights under  
35 this subsection including the use of earned paid sick time.

36 (q) The department may adopt rules to implement this subsection.

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