

What is Paid Sick Leave?

In Washington State, employers are required to provide paid sick leave to all employees, regardless of immigration status. The city of Seattle also has a paid sick leave ordinance with additional protections. The state's paid sick leave laws are enforced by the Washington State Department of Labor and Industries (L&I).

Eligibility

How do I know if I am an employee and entitled to Washington paid sick leave?

Most Washington workers are eligible for paid sick leave, but some may be excluded based on their job duties or requirements. If you are not sure if you are considered an employee, you can call the Employment Standards Program for clarification.

How do I know if I am an employee and not a contract worker?

Whether a worker is considered an employee depends on the nature of their relationship with their employer. If you are unsure of your status, you can ask your employer or contact the Employment Standards Program for clarification.

Can I receive paid sick leave if I am only part-time or seasonally employed?

Yes. Employers must provide paid sick leave to all employees regardless of full-time, part-time, temporary, or seasonal employment status.

I am an immigrant authorized to work in the U.S. (for example, working with an EAD work permit), can I get paid sick leave?

Yes. Immigrants authorized to work in the U.S. may be entitled to state paid sick leave. Immigration status does not affect an employee's entitlement to state paid sick leave.



Questions?

For questions, contact L&I's Employment Standards Program at **360-902-5316**, press 1 for Spanish.

Need Additional Support?

The Waisn Deportation Defense Hotline is dedicated to supporting you, whether you need information about your rights with immigration authorities (ICE or CBP), employers, landlords, or healthcare providers; accompaniment to immigration court or a bond hearing; or referrals to services such as deportation defense, civil legal aid, rent support, food, baby supplies, and local immigrant support networks.

1-844-724-3737

Language support: All Hotline operators are bilingual in Spanish and English. Interpretation services available in close to 300 languages.
VISIT Waisn AT WWW.WAISN.ORG



Produced by the
Washington
Immigrant Solidarity
Network

KNOW YOUR RIGHTS
L&I PAID SICK LEAVE
ACCESS FOR
IMMIGRANTS IN
WASHINGTON STATE



I am an H2-A VISA worker, can I get paid sick leave?

Yes. H2-A VISA workers may be entitled to state paid sick leave. H2-A VISA employment status does not affect a worker's entitlement to paid sick leave.

I am a DACA recipient, can I get paid sick leave?

Yes. A DACA recipient may be entitled to state paid sick leave. Being a DACA recipient does not affect a worker's entitlement to state paid sick leave.

I am an agricultural contract worker, can I get paid sick leave?

Yes. Agricultural contract workers may be entitled to state paid sick leave. Being an agricultural contract worker does not affect a worker's entitlement to state paid sick leave.

I am a domestic worker in homes but I do not have a contract, can I get paid sick leave?

It depends. If you are considered an "employee" under state Minimum Wage laws, then you should be entitled to state paid sick leave.

I am self-employed (for example, I run my own landscaping business or I am a day laborer), can I get paid sick leave?

No. Paid sick leave is provided by employers who employ employees that perform work in Washington State. Only workers who are considered an "employee" under state Minimum Wage laws are entitled to state paid sick leave.

I am undocumented and working off the books, can I get paid sick leave?

Yes. Immigration status does not affect a worker's entitlement to state paid sick leave. All workers who are considered an "employee" under state Minimum Wage laws are entitled to state paid sick leave, regardless of how they are paid.

Receiving Paid Sick Leave

What do I need to do to claim my paid sick leave?

Employees entitled to paid sick leave must receive monthly notification of their available balance. Employers are also required to track employee hours and maintain certain employment records. If your employer is not doing this, they may be violating state labor laws. Please contact the Employment Standards Program to report any violations.

When and how will I receive my sick leave pay?

You should receive your paid sick leave payment on the same payday as your regular wages. This means that you should be paid for your sick leave just like you are paid for your regular hours worked.

Do I need a note from my doctor to take paid sick leave?

If you use more than three days of paid sick leave, your employer may ask you to provide documentation to verify that your absence was for an authorized purpose. The specific requirements for verification must be included in your employer's written paid sick leave policy.

What if my employer does not have a written policy on paid sick leave?

If your employer does not have a written policy on paid sick leave, the minimum requirements for state law still apply.

How will I know how much paid sick leave I have available?

Employees must receive a monthly statement showing their paid sick leave balance. The statement will show how much paid sick leave they have accrued since the last statement, how much they have used since the last statement, and their current balance.

Your Right to Paid Sick Leave

What if I am afraid my employer will retaliate against me for requesting my sick pay?

We understand some employees may hesitate to file a paid sick leave complaint against their employer. There are protections for employees against retaliation for filing complaints. An employer cannot retaliate or take an adverse action against an employee for exercising a protected right, including requesting to use state paid sick leave.

What if my employer refuses to pay me for sick leave I have used?

If an employee uses state paid sick leave for an authorized purpose, their employer cannot deny them payment. If an employee does not receive payment for their sick leave, they can file a complaint with the Department of Labor & Industries (L&I). Employees can file a complaint at their local L&I office or online. The online complaint form at www.lni.wa.gov is available in multiple languages.

What if I have a serious medical condition that means I cannot work for a long period of time?

Employees can use their paid sick leave for absences related to a medical condition. For longer absences, employees may want to consider other leave options, such as workers' compensation benefits or Paid Family Medical Leave. Workers' compensation benefits can be applied for by calling 1-877-561-3453, pressing 2 for Spanish, or by completing a Report of Accident at their doctor's office. Paid Family Medical Leave can be applied for by calling 1-833-717-2273, pressing 7 for language assistance. Alternatively, Project Help can help navigate the Workers Compensation system, they can be contacted at 1-800-255-9752, press 1 for Spanish.