



Seattle Office of Labor Standards

Gig Worker Paid Sick and Safe Time Ordinance Questions and Answers

The **Gig Worker Paid Sick and Safe Time Ordinance** provides certain gig workers access to paid sick and paid safe time (Gig Worker PSST) from transportation network companies and food delivery network companies. Beginning July 13, 2020, this temporary law allows covered gig workers to take 24-hour increments of paid leave to care for their own health and safety, or the health and safety of a family member, under qualifying circumstances.

The **Seattle Office of Labor Standards (OLS)** is responsible for the administration of this ordinance, providing outreach, compliance assistance and enforcement services to workers and hiring entities. If you have a question that this Q&A does not cover, visit the [Office of Labor Standards website](#). You may also call 206-256-5297 or reach us electronically:

- Gig workers with questions and complaints – submit an [online inquiry form](#).
- Hiring entities with requests for technical assistance – send an email to business.laborstandards@seattle.gov or submit an [online inquiry form](#).

Table of Contents

A. General Information	2
B. Hiring Entities	3
C. Gig Workers	5
D. Accruing Gig Worker PSST	6
E. Rate of Pay & Cash-Out	9
F. Using PSST	11
G. Requesting PSST	15
H. Verification	16
I. Hiring entity notice requirements	17
J. Hiring Entity Records	19
K. Prohibition on retaliation	19

A. General Information

1. What does the ordinance do?

The Gig Worker Paid Sick and Safe Time Ordinance provides paid sick and paid safe leave for gig workers. This temporary law allows certain gig workers access to paid sick and paid safe time (Gig Worker PSST) from transportation network companies (TNCs), as well as food delivery network companies (FDNCs) that arrange for delivery of groceries or prepared food using an app-based or online platform.

2. When does the Gig Worker PSST ordinance take effect?

The ordinance takes effect July 13, 2020.

3. (UPDATED) How long will the Gig Worker PSST ordinance be in effect? Has the law been suspended?

Effective November 1, 2022, the Mayor lifted the Covid-19 civil emergency, resulting in the suspension of the requirement for hiring entities to accrue and allow use of PSST as of April 30, 2023. The remaining requirements will stay in effect for three years to retain provisions necessary for recordkeeping and enforcement.

As of **November 1, 2022**, the following requirements apply:

- **Accrual:** Gig workers are entitled to accrue paid sick and paid safe time until April 30, 2023.
- **Use:** Gig workers are entitled to use accrued paid sick and paid safe time until April 30, 2023.
- **Notice of Rights:** covered hiring entities must provide a Notice of Rights for a period of three years through October 31, 2025.
- **Enforcement:** Gig workers with complaints that a hiring entity did not meet the requirements of this ordinance between **July 13, 2020** and **April 30, 2023** can still contact the Office of Labor Standards (OLS) with their complaints for three years (through October 31, 2025). Please do not delay contacting the office to ensure you may exercise your rights under this ordinance. You can contact OLS by calling [206-5297](tel:206-5297) or contact us online by filling out this form [\(click here\)](#).

4. Which City department administers this ordinance?

The City of Seattle's Office of Labor Standards (OLS) implements this ordinance. OLS provides a range of services for workers and hiring entities including education, training, and compliance assistance.

5. Where do gig workers call with questions? Can workers remain anonymous?

Workers can call 206-256-5297, email workers.laborstandards@seattle.gov, or submit an [online inquiry](#). Upon request, and to the extent permitted by law, OLS protects the identifying information (e.g. name, pronouns) of workers who report violations and witnesses who provide information during investigations. OLS will not disclose the person's identifying information during or after the investigation, to the extent permitted by law. OLS may need to release names of workers who are owed payment as a result of an investigation.

6. What happens when workers call OLS?

Workers may call OLS with questions or complaints. When workers call OLS, they will be directed to an intake investigator who will provide information about the law or gather information about issues at the workplace. If workers wish to make a complaint, OLS may collect information from additional witnesses and/or request documents from workers. After reviewing information provided by workers, OLS will decide if and how it can help, which may take a variety of forms, including simply providing information to the hiring entity, trying to informally resolve the issue without a full investigation, or conducting a formal investigation. If OLS decides to investigate, and if OLS can't investigate the hiring entity immediately, it may place the case on a waitlist.

7. Does a gig worker's immigration status impact coverage or application of the ordinance?

No, immigration status does not impact coverage or application of the ordinance. As a matter of policy, the City of Seattle does not ask about the immigration status of anyone using City services. Read [OLS' Commitment to Immigrant and Refugee Communities](#) for more information.

8. Does OLS provide language interpretation for its services?

Yes. If OLS staff do not speak your preferred language, OLS will arrange for an interpreter to help with the conversation. OLS's services are free of charge regardless of whether interpretation services are required.

9. Can hiring entities call OLS with their questions?

Yes! OLS provides compliance assistance for hiring entities. Hiring entities can call 206-256-5297, send an email to business.laborstandards@seattle.gov, or submit an [online inquiry form](#). OLS does **not** share information about the identity of hiring entities with our enforcement team. Phone conversations and email conversations are kept separate from the investigation process.

10. What happens when a hiring entity calls OLS with a question about compliance?

OLS encourages hiring entities to call or email their questions to our office. Our goal is help hiring entities attain full compliance with Seattle's labor standards and we will answer many types of labor standards questions. OLS has staff dedicated to business engagement who respond to inquiries and who are not members of the enforcement team. Phone conversations and email exchanges with the business engagement staff are kept entirely separate from the investigation process.

11. What is the difference between sick time and safe time?

A gig worker can use **sick time** for the following reasons:

- A worker's mental or physical illness, injury, health condition, need for medical diagnosis care or treatment of a mental or physical illness, injury or health condition, or a worker's need for preventive medical care.
- A worker's need to provide care for a family member with an illness, injury or medical appointment, etc.

A gig worker can use **safe time** for the following reasons:

- When the hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason, including the order of a public official.
- For reasons related to domestic violence, sexual assault or stalking that affect the worker, the worker's family member or the worker's housemate.
- A worker's need to care for a family member whose school or place of care has been closed.

12. Can hiring entities offer more protective paid sick and paid safe leave policies than required by the Ordinance?

Yes. The ordinance sets the minimum requirements for Gig Worker PSST; it does not prevent hiring entities from establishing more protective policies.

13. Can individual gig workers waive their rights to protections under the Gig Worker PSST ordinance?

No, individual gig workers cannot waive their rights under the ordinance.

B. Hiring Entities

1. (UPDATED) Which hiring entities are required to provide Gig Worker PSST?

Transportation network companies (TNCs) and food delivery network companies (FDNCs) that hire 250 or more gig workers worldwide are required to provide Gig Worker PSST. Beginning on January 1, 2023, the ordinance will no longer apply to TNCs such as Uber and Lyft due to Washington State House Bill 2076, which establishes new statewide requirements concerning TNCs. The Washington State Department of Labor & Industries (L&I) is responsible for enforcing these new requirements. Many of the statewide TNC driver protections take effect January 1, 2023. For more information, go to [L&I's TNC Drivers' Rights page](#).

2. What is a Transportation Network Company?

"Transportation network company" or "TNC" is a company that offers prearranged transportation services for

compensation using an online-enabled application or platform to connect passengers with drivers. TNCs are licensed and regulated according to [Seattle Municipal Code 6.310](#).

3. What is a “Food Delivery Network Company”?

A Food Delivery Network Company (FDNC) is a company operating in Seattle that offers prearranged delivery services for compensation using a cellphone app or online platform to connect customers with workers, for delivery from one or more of the following types of locations:

- (1) eating and drinking establishments,
- (2) food processing establishments,
- (3) grocery stores, or
- (4) any facility supplying groceries or prepared food and beverages for an online order.

4. What is meant by “eating and drinking establishments”?

"Eating and drinking establishment" is defined in [Seattle Municipal Code Section 23.84A.010](#), as a place in which food or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include, but are not limited to, restaurants, cafes, delis, food trucks, taverns, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.

5. What is meant by “food processing establishments”?

“Food processing” is defined in [Seattle Municipal Code Section 23.84A.012](#). A food processing establishment is a facility where products for human consumption, such as candy, baked goods, seafood, sausage, tofu, pasta, beverages, tinctures, consumable oils, products to be smoked, etc., are produced for sale and consumption off the premises. Food processing includes catering services.

Facilities that process canned or bottled food or beverages in a mechanized assembly line are not considered “food processing establishments,” but would be considered light manufacturing instead.

6. What is meant by “grocery stores”?

"Grocery store" is defined in [Seattle Municipal Code Section 23.84A.014](#), as a business establishment (or portion thereof) in multipurpose retail sales use where food and beverages for home consumption, and household supplies, are the principal products sold.

7. What is meant by “any facility supplying groceries or prepared food and beverages for an online order”?

This law applies to companies that offer delivery of groceries or prepared food and beverages from any facility, such as a warehouse, even if that facility also supplies other items for delivery.

8. If a platform company offers delivery services of groceries or prepared food and beverages, in addition to other services, are they still covered?

Yes. That platform company would be considered an FDNC and they would be subject to providing Gig Worker PSST for all their gig workers that provide delivery services.

9. How is a hiring entity’s coverage calculated?

To calculate whether a hiring entity has hired 250 or more gig workers worldwide, count the average number of gig workers who worked for compensation per calendar week during the previous calendar year for all weeks during which at least one gig worker worked for compensation. All gig workers worldwide are counted for determining hiring entity coverage.

10. How do new hiring entities determine the number of gig workers hired?

Hiring entities with no gig workers during the previous calendar year determine their coverage by calculating the average number of gig workers worldwide who worked for compensation per calendar week during the first 90

days of the current year of business.

11. If a hiring entity has gig workers working in Seattle and outside the city, does the hiring need to count all gig workers to determine coverage?

Yes. To determine coverage, hiring entities must count **all** gig workers who perform work in Seattle and outside the city (worldwide).

C. Gig Workers

1. (UPDATED) Which gig workers are covered by the Gig Worker PSST ordinance?

TNC drivers and FDNC workers who perform work in Seattle, in whole or in part, are covered by this law.

- A TNC driver is defined as someone who is affiliated and accepting trips from a licensed TNC, and is further defined in [Seattle Municipal Code Chapter 6.310](#).
- A FDNC worker is defined as a person affiliated with and accepting an offer of prearranged delivery services for compensation from a food delivery network company.

Beginning on January 1, 2023, the ordinance will no longer apply to TNCs such as Uber and Lyft due to Washington State House Bill 2076, which establishes new statewide requirements concerning TNCs. The Washington State Department of Labor & Industries (L&I) is responsible for enforcing these new requirements. Many of the statewide TNC driver protections take effect January 1, 2023. For more information, go to L&I's [TNC Drivers' Rights page](#).

2. What does it mean to perform work in Seattle, in whole or in part?

If a gig worker's work includes a work-related stop in Seattle, they are considered to have worked in Seattle "in whole or in part." A work-related stop means time spent by a gig worker on a commercial stop in Seattle that is related to the provision of delivery or transportation services associated with an online order.

A work-related stop does not include stopping for refueling, stopping for a personal meal or errands, or time spent in Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle to a destination outside Seattle with no commercial stops in Seattle.

3. What if a gig worker for an FDNC delivers other items besides groceries or prepared food and beverages? Are they still covered?

Yes. FDNC workers are covered by the ordinance and may accrue Gig Worker PSST from their work in Seattle for the FDNC, regardless of whether they are delivering food, beverages, or groceries on any particular delivery.

4. Are gig workers who do not have immigration status entitled to Gig Worker PSST?

All TNC drivers and FDNC workers who perform work in Seattle are covered by Gig Worker PSST, including gig workers who are not legally authorized to work in the United States. Per City of Seattle policy, OLS does not ask people about their immigration status, and we investigate complaints without regard to an individual's immigration status. For more information, see our [Commitment to Immigrant and Refugee Communities](#).

5. Are gig workers who are independent contractors covered by this ordinance?

Yes. Gig workers are covered regardless of whether they are classified as employees or independent contractors, so long as they perform work in Seattle for a covered hiring entity.

6. Does the Gig Worker PSST Ordinance cover gig workers based outside of Seattle who work in Seattle on an occasional basis?

Yes. Any time a gig worker has a work-related stop in Seattle, they are considered to have worked "in whole or in

part” in Seattle and are covered by the Gig Worker PSST Ordinance. Their accrual and average daily compensation will be calculated based on those days worked in whole or in part in Seattle. (See Gig Worker PSST Accrual and Gig Worker PSST Rate of Pay sections below.)

7. Who is responsible for tracking the trips or deliveries made in Seattle: the hiring entity or the gig worker?

Hiring entities are ultimately responsible for tracking whether a gig worker performed work in Seattle on any given day, and for providing gig workers with information on their accrual and average daily compensation, based on work performed in whole or in part in Seattle. OLS encourages gig workers to track their deliveries and trips to better understand the accrual and average daily compensation that they are entitled to.

D. Accruing Gig Worker PSST

1. How much Gig Worker PSST do gig workers accrue?

Covered gig workers accrue (earn) one day of PSST for every 30 calendar days worked in whole or in part in Seattle after October 1, 2019.

Covered hiring entities must provide accrual between October 1, 2019 and July 13, 2020 for gig workers who commenced work before July 13, 2020 (the effective date of the law). For accrual between October 1, 2019 and July 13, 2020, hiring entities have the option to either:

- a. Calculate accrual by the standard method (one day for every 30 days worked in Seattle), or
- b. Provide immediate accrual of five days of PSST on July 13, 2020.

	Accrual Before July 13, 2020	Accrual After July 13, 2020
Option 1	One day of PSST for every 30 days worked* since October 1, 2019	One day of PSST for every 30 days worked*
Option 2	5 days of PSST	One day of PSST for every 30 days worked*

*The days counted in “days worked” are those that are wholly or partially in Seattle.

2. How does a gig worker know which method of accrual applies before July 13, 2020?

Hiring entities must select the same accrual method for all the hiring entity’s gig workers that are covered by this ordinance. Hiring entities must notify covered gig workers of the accrued, reduced and available balance of Gig Worker PSST at least once a month. A hiring entity may chose some reasonable system for providing this notification, which can include on a pay stub, weekly summary of compensation information, or an online system.

3. How can a hiring entity file their method of accrual with OLS?

The ordinance requires covered hiring entities to file information about their business/trade name and Gig Worker PSST accrual method with the Office of Labor Standards by July 27, 2020. Companies may do so by downloading, completing, and [emailing this form](mailto:business.laborstandards@seattle.gov) to business.laborstandards@seattle.gov.

4. When do new gig workers begin to accrue Gig Worker PSST?

Gig workers who start working for a hiring entity on or after July 13, 2020 can begin to accrue Gig Worker PSST as

soon as they start working for the hiring entity. Only the days worked in whole or in part in Seattle will count towards accrual.

5. What does a day worked “in whole or in part” in Seattle mean?

A day worked “in whole or in part” in Seattle means there was at least one work-related stop in Seattle that day. “Work-related stop in Seattle” means a time spent by a gig worker on a commercial stop in Seattle that is related to the provision of delivery or transportation services associated with an online order. For example, a work-related stop could be a pick-up or drop-off in Seattle.

A work-related stop does not include stopping for refueling, stopping for a personal meal or errands, or time spent in Seattle solely for the purpose of travelling through Seattle with no stops in Seattle.

6. If a gig worker did not have a work-related stop in the city limits of Seattle on a particular day, does that day count towards accrual?

No, a day without a work-related stop in Seattle does not count towards accrual of Gig Worker PSST.

7. What if a hiring entity provided paid sick leave to a gig worker between October 1, 2019 and July 13, 2020 (the effective date of the ordinance)?

A hiring entity that provided paid leave to gig workers for reasons covered by Gig Worker PSST prior to July 13, 2020 may subtract the amount paid to gig workers for such leave between October 1, 2019 and July 13, 2020. The hiring entity must communicate to its gig workers the method it will use to subtract this compensation for prior paid leave in their written notification of Gig Worker PSST policy and procedure.

Although the hiring entity must apply the same accrual option for all of its eligible gig workers, any deductions for Gig Worker PSST-eligible leave between October 1, 2019 and July 13, 2020 must be made on an individual basis. The hiring entity may apply the deduction when paying Gig Worker PSST once a gig worker makes a request to use Gig Worker PSST. The hiring entity must notify the gig worker of the amount deducted from their PSST compensation and itemize subtractions in an accompanying compensation statement.

Example: Delivery Company provided its gig workers the option to take paid leave for reasons related to the COVID-19 pandemic beginning in February 2020. The company offered gig workers a maximum amount of paid leave of \$300. Gig worker Alex was exposed to COVID-19 and used all \$300 offered by Delivery Company to cover the days Alex didn't work during this time. With the Gig Worker PSST Ordinance in effect, the next time Alex requests Gig Worker PSST, Delivery Company must calculate the amount Alex is owed based on their accrual and average daily compensation, but may deduct \$300 from that PSST payment it already paid to Alex for paid leave prior to July 31, 2020.

8. What if a gig worker received paid leave from the federally funded programs established by the Families First Coronavirus Response Act (FFCRA) or the Coronavirus Aid, Relief, and Economic Security (CARES) Act?

If a gig worker received funds as a result of the FFCRA or the CARES Act between October 1, 2019 and July 13, 2020, a hiring entity may not deduct those amounts from the Gig Worker PSST owed to the gig worker. For questions about how Gig Worker PSST may impact access to unemployment benefits under the CARES Act, please contact the [Washington state Employment Security Department](#).

9. Is there a maximum amount of Gig Worker PSST a gig worker can accrue?

There is no limit on the amount of time a gig worker can accrue, but the hiring entity may limit the amount of time a gig worker can carry over from year to year. Each year, a hiring entity must allow a gig worker to carry over at least nine days of accrued Gig Worker PSST into the next year.

10. Can hiring entities use any fixed, consecutive 12-month period of time for accrual and carry over of Gig Worker PSST?

Yes, hiring entities can use any fixed, consecutive 12-month period of time for accrual and carry-over of Gig Worker PSST hours, including a calendar year (i.e. January 1 through December 31), a tax year, fiscal year, contract year, or the year running from a gig worker's anniversary date of commencement of work. A gig worker commences work no later than the first calendar day on which the gig worker has accepted an offer of prearranged services for compensation by the hiring entity.

11. Do gig workers accrue paid sick time separately from paid safe time, or is it one amount of time that gig workers can use either way?

Gig workers accrue Gig Worker PSST in one amount and can use it for either sick or safe purposes. See Section F for more information about sick or safe leave purposes that Gig Worker PSST can be used for.

12. If a gig worker stops regularly working for a hiring entity, what happens to their accrued Gig Worker PSST?

The hiring entity must keep the records: if the gig worker returns to drive or deliver for the hiring entity within 12 months, the gig worker is entitled to pick up their accrued balance where they left off. However, they may not be able to use their Gig Worker PSST until they have worked at least once in Seattle within 90 days of requesting the leave. See Section F below for more information about when a gig worker can use their Gig Worker PSST.

13. If a gig worker stops working and returns to work within 12 months, will their Gig Worker PSST balance be affected by the carry-over limitation?

If a gig worker had accrued more than nine days, their balance may be affected. If the gig worker's reinstatement happens after the end of the year that the hiring entity uses for accrual and carry-over, the hiring entity is only required to reinstate nine days of previously accrued Gig Worker PSST.

14. Are hiring entities allowed to frontload Gig Worker PSST?

Yes, frontloading is allowed, meaning that a hiring entity can give a gig worker access to a certain amount of Gig Worker PSST before they've accrued it. Frontloaded Gig Worker PSST must meet requirements for accrual, use, and carry over, and otherwise comply with the provisions of this ordinance. Hiring entities must describe their frontloading policy in their written, Gig Worker PSST policy.

Hiring entities that frontload Gig Worker PSST must monitor a gig worker's actual accrual and adjust Gig Worker PSST balances as necessary. Hiring entities must correct any discrepancies between actual accrual and the frontloaded balance within 30 days of identifying or receiving notice of a discrepancy. However, if a gig worker uses frontloaded PSST in an amount that exceeds the actual amount they would have accrued during the year prior to the carryover date, the hiring entity may not request or require reimbursement.

Hiring entities who frontload Gig Worker PSST also must carry over unused hours to the next year in accordance with the requirements of the ordinance.

15. What if a hiring entity frontloads too few Gig Worker PSST days? When does the hiring entity have to correct it?

A hiring entity must correct the discrepancy as soon as practicable, but no later than thirty days after identifying the discrepancy.

16. What if a hiring entity frontloads too many Gig Worker PSST days? Can a hiring entity deduct from the worker's balance?

It depends. If the hiring entity identifies that the gig worker's frontloaded accrual exceeds the amount that the worker would have accrued without frontloading, they can correct the difference within 30 days after identifying the discrepancy. However, a hiring entity may not seek reimbursement of any frontloaded Gig Worker PSST the gig worker has already used.

17. If hiring entities frontload more than nine days of Gig Worker PSST at the beginning of the year, do they still need to allow carry over?

Yes. Hiring entities who frontload Gig Worker PSST also must carry over unused Gig Worker PSST hours to the next year in accordance with the requirements of the ordinance.

18. Can hiring entities have programs that reward gig workers (with money or other benefits) for not using Gig Worker PSST?

It depends. Any incentive program that restrains a gig worker from using their unused Gig Worker PSST for an authorized purpose could violate the ordinance’s retaliation provisions because such program could restrain or interfere with a gig worker’s lawful right to use their Gig Worker PSST (e.g. a gig worker could be dissuaded from using Gig Worker PSST for fear of missing out on the incentive).

Nevertheless, at separation of work or at the end of the year, a hiring entity may allow a gig worker to cash-out unused Gig Worker PSST in excess of the applicable carry over requirement.

19. Does a day of Gig Worker PSST count as a day worked in Seattle for the purpose of calculating accrual and average compensation calculation?

No. A gig worker does not accrue Gig Worker PSST while using Gig Worker PSST. Similarly, pay for Gig Worker PSST does not factor into the calculation of the average daily compensation.

20. How can gig workers learn about their balance of Gig Worker PSST hours?

At least once a month (unless the gig worker has not worked any days since the last notification), hiring entities must provide each gig worker with written notification that includes:

- The gig worker’s current average daily compensation rate to be paid for each day of Gig Worker PSST;
- The balance of unused Gig Worker PSST available for use;
- The amount of Gig Worker PSST accrued since the last notification; and
- The amount the worker’s balance was reduced since the last notification.

Hiring entities may choose a reasonable system for providing this notifications, including: a pay stub, a weekly summary of compensation information, an online system where gig workers can access their own paid sick and paid safe time information, or another reasonable system.

Hiring entities are not required to provide this notification to a gig worker if the gig worker has not worked any days since the last notification.

21. Does a successor hiring entity need to retain Gig Worker PSST hours of existing gig workers?

Yes. When a hiring entity is acquired by a successor company, existing gig workers retain all previously accrued Gig Worker PSST hours and those hours remain available for use. Successor hiring entities must immediately comply with Gig Worker PSST requirements and are not considered “new hiring entities” under the ordinance.

E. Rate of Pay & Cash-Out

1. What is the gig worker’s rate of pay for using Gig Worker PSST?

Hiring entities must pay gig workers their “average daily compensation” for each day of Gig Worker PSST. “Average daily compensation” is calculated by the following steps:

- a. Determine the gig worker’s highest-earning calendar month, counting only days with work in Seattle, since October 1, 2019.
 - i. Days with work in Seattle are those with at least one work-related stop in Seattle, such as a pickup, drop-off, or delivery. See Section C, Question 2 for information about work-related stops.
 - ii. Even if a day had only one work-related stop in Seattle, that entire day’s earnings must be factored in.
 - iii. Earnings include payments for providing services, bonuses, and commissions, as well as tips from

customers.

- b. Calculate the daily average of compensation earned for the days worked in Seattle that month:
 - i. Take the total earnings for days with work in Seattle and divide by the number of days with work in Seattle.

Each month, the hiring entity must recalculate to ensure the average daily compensation represents the gig-worker's highest earning calendar month with days worked in Seattle since October 1, 2019.

Example #1: Jamie works for a grocery delivery platform a few days a week. They have been working for the platform since March 2020 in Seattle and Shoreline. Their highest earning calendar month was May of 2020, where they earned \$1,200 for the ten days they worked in Seattle that month, counting delivery payments, bonuses, and tips. Their average daily compensation is \$1200 divided by 10, or \$120 per day. When Jaime requests a day of Gig Worker PSST from their hiring entity, they will be entitled to \$120 for each 24-hour increment of Gig Worker PSST.

2. Are gig workers entitled to have their tips and bonuses included when calculating Average Daily Compensation?

Yes. Average daily compensation includes payments from the hiring entity for providing services, bonuses, and commissions; as well as tips from customers.

3. What if a gig worker only had one pickup in Seattle, and the rest of the day they worked in another City? Do the total earnings for that day count towards average daily compensation?

Yes. The entire day's earnings are factored in average daily compensation when there is at least one work-related stop in Seattle on that day.

4. What if a gig worker earned more overall in one month, but earned more in Seattle on a different month? Which month counts for determining average daily compensation?

To determine average daily compensation, count only the days with at least one work-related stop in Seattle. The average daily compensation would be calculated from the month with the highest earnings based on days worked in whole or in part in Seattle.

Example: Jo splits their time working between Seattle and Tacoma. On their highest earning calendar month overall, they earned \$3,000. However, most of their work was in Tacoma that month and their Seattle-day earnings were about \$1,000. On another month, they earned \$2,500 overall, with \$2,000 earned for days worked in whole or in part in Seattle. This was the highest monthly earnings for Seattle work since October 2019. The average daily compensation is based on the month they earned \$2,000 for work in Seattle.

5. How will a gig worker be informed about their average daily compensation?

At least once a month (unless the gig worker has not worked any days since the last notification), hiring entities must provide each gig worker with written notification that includes:

- the gig worker's current average daily compensation rate to be paid for each day of Gig Worker PSST;
- The balance of unused Gig Worker PSST available for use;
- The amount of Gig Worker PSST accrued since the last notification; and
- The amount the worker's balance was reduced since the last notification.

Hiring entities may choose a reasonable system for providing this notifications, including: a pay stub, a weekly summary of compensation information, an online system where gig workers can access their own paid sick and paid safe time information, or another reasonable system.

Hiring entities are not required to provide this notification to a gig worker if the gig worker has not worked any days since the last notification.

6. When is Gig Worker PSST paid out?

Hiring entities must compensate a gig worker for Gig Worker PSST no later than 14 days after they request to use Gig Worker PSST, or the next regularly scheduled date of compensation following the requested days.

7. Are cash-outs permitted under the ordinance?

Cash-outs are permitted in limited circumstances. Upon separation, if the hiring entity and gig worker have agreed in writing, hiring entities may cash out any portion of the worker’s Gig Worker PSST balance (including the full balance). At the end of the year the hiring entity uses for carryover purposes, partial cash-outs are permitted. At that time, hiring entities may cash out Gig Worker PSST balances in excess of the nine days that are required to carry over.

8. Is cash-out required when employees leave their job?

No. The law does not require a hiring entities to cash out unused Gig Worker PSST upon a gig worker’s separation from work. Cashing-out is a discretionary option for hiring entities and gig workers. If the balance is not cashed out, the hiring entity must retain the records and reinstate the balance if the worker returns to work for the hiring entity within 12 months.

F. Using PSST

1. When can a gig worker start using Gig Worker PSST?

A gig worker can start using Gig Worker PSST after they have accrued their first day of PSST, if they have worked for the hiring entity in Seattle within the previous 90 days, and when the hiring entity has made it available for use.

2. How soon can a gig worker use PSST after it accrues?

Hiring entities must make accrued days of paid sick and paid safe time available for use no more than one week after the date of accrual.

3. How does a gig worker use their Gig Worker PSST?

When a gig worker has PSST available, the worker may use it by requesting to do so through the electronic process provided by the hiring entity. Once requested, the use begins immediately. (See Requesting PSST section below for more information.)

4. How much Gig Worker PSST can a gig worker use in a year?

Hiring entities may not limit the use of Gig Worker PSST. As long as gig worker has accrued and unused Gig Worker PSST, they may use it without limit.

5. What happens to unused PSST at the end of the year?

Hiring entities must permit gig workers to carry over at least nine days of accrued, unused PSST to the next year. (See Questions D.9-D.11 in the “Accruing Gig Worker PSST” section above for more information about carry over.)

6. What time increments are gig workers allowed to use Gig Worker PSST?

Gig workers can use 24-hour increments of PSST. When gig workers request Gig Worker PSST from a hiring entity, they are expected to not accept a trip or delivery for 24 hours after making the request. For example, if a gig worker requests Gig Worker PSST at 3:00 PM on a given day, the gig worker is not expected to perform work for that hiring entity until after 2:59 PM the following day.

7. What if a gig worker works within 24 hours of requesting Gig Worker PSST?

If a gig worker accepts a trip or delivery for compensation from a hiring entity during the 24-hour period for which the gig worker requested a day of Gig Worker PSST, a hiring entity may (but does not have to) determine that the gig worker did not use Gig Worker PSST for an authorized purpose. They may withhold compensation for the

requested day of Gig Worker PSST.

8. How will a gig worker know when their 24-hour increment of Gig Worker PSST is over?

Hiring entities must notify workers via cellphone application, website, or other personal log-in system when their 24-hour increment of Gig Worker PSST will end.

9. Can a gig worker request more than one day of paid sick and paid safe time at once for immediate use?

Yes, a gig worker can request multiple consecutive days of paid sick and paid safe time for immediate use. Hiring entities are required to notify the gig worker when their 24-hour increment(s) of Gig Worker PSST are expected to be complete.

10. What happens if a hiring entity determines that a gig worker did not use paid sick and paid safe time for an authorized purpose?

If a hiring entity can demonstrate that a gig worker did not use paid sick and paid safe time for an authorized purpose, the hiring entity may withhold compensation for the days of paid sick and paid safe time, subject to the following conditions:

- a. The hiring entity shall provide the gig worker with written notification of the decision to withhold compensation.
- b. The hiring entity must provide a method of contact and accessible procedure for the gig worker to challenge the denial of compensation, and to assert that the gig worker's use of paid sick and paid safe time was for an authorized purpose.
- c. The hiring entity must not deduct the days of paid sick and paid safe time from the worker's accrued days of PSST, nor restrict the gig worker's future use of such paid sick and safe time.

11. What if a gig worker, after requesting multiple days of Gig Worker PSST, works at some point during the multiple days? Can the hiring entity deny payment for the entire duration of the requested leave?

If a gig worker accepts a trip or delivery for compensation from a hiring entity during the time they also requested days of paid sick and paid safe time, the hiring entity may determine that the gig worker did not use Gig Worker PSST for an authorized purpose. Absent evidence that the gig worker did not use paid sick and paid safe time for an authorized purpose for all days, a hiring entity may only withhold payment for the day (24-hour increment) when work was performed. A hiring entity may deny compensation for that specific requested day of paid sick and paid safe time.

12. Can a gig worker request a day of paid sick and paid safe time in advance of use?

Hiring entities are not required to accommodate advance requests of paid sick and paid safe time. But there is nothing in the law that prevents advance requests of paid sick and paid safe time from being accommodated.

13. Can gig workers use Gig Worker PSST if they have been deactivated?

A gig worker is entitled to use any accrued paid sick and paid safe time during a deactivation or other status that prevents work for the hiring entity, unless they have been deactivated due to a verified allegation of sexual assault perpetrated by the gig worker.

14. Can gig workers use their accrued Gig Worker PSST if they haven't worked for the hiring entity in a long time?

A gig worker is entitled to use accrued paid sick and paid safe time if the gig worker has performed work for the hiring entity in Seattle **within 90 days** preceding the gig worker's request to use paid sick and paid safe time. If they have not worked in Seattle for that hiring entity in more than 90 days, a gig worker will be eligible to use Gig Worker PSST the day after they begin working for the hiring entity again in Seattle.

Example: A covered gig worker has accrued three days of Gig Worker PSST, but has not driven for the hiring entity in Seattle in five months. The gig worker then accepts an offer to provide delivery services for compensation from a covered hiring entity in Seattle. The gig worker is eligible to use their three days of accrued Gig Worker PSST

after that day.

15. Can a gig worker who is deactivated use Gig Worker PSST if they have not worked for the hiring entity in Seattle within the past 90 days?

No. A gig worker must have worked in Seattle within the last 90 days to use their accrued Gig Worker PSST.

16. What are acceptable reasons for using paid SICK time?

A gig worker can use paid sick time for the following reasons:

- A gig worker's mental or physical illness, injury or health condition; a gig worker's need for medical diagnosis care or treatment of a mental or physical illness, injury or health condition; or a gig worker's need for preventive medical care.
- A gig worker providing care for a family member with an illness, injury or health condition, who has a medical appointment, or needs preventative medical care.

17. Who are considered family members for SICK time purposes?

For paid sick time, "family member" is defined as a child, grandparent, grandchild, parent, parent-in-law, sibling, spouse, or registered domestic partner. "Child" includes a biological child, adopted child, foster child, stepchild, or a child for whom a gig worker stands *in loco parentis*, is a legal guardian, or is a de facto parent. "Parent" includes a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of a gig worker or the worker's spouse or registered partner, or a person who stood *in loco parentis* when the gig worker was a minor.

18. What are acceptable reasons for using paid SAFE time?

A gig worker can use paid safe time for the following reasons:

- When the hiring entity has suspended or discontinued operations by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material.
- When the hiring entity has reduced, suspended, or otherwise discontinued operations for any health- or safety-related reason.
- For reasons related to domestic violence, sexual assault or stalking that affect the gig worker or the gig worker's family or household member. For example, a gig worker may take safe time for: medical treatment for physical or mental health injuries caused by domestic violence ("DV") for self or family/household member impacted by DV (e.g. psychological counseling); relocation and other safety planning; seeking a restraining order; or participating in a legal proceeding. See Question 25 below for more information.
- When a gig worker needs to care for a family member whose school or place of care has been closed.

19. Who are considered family and household members for SAFE time purposes?

For paid safe time absences, "family member" is defined the same as for SICK time: a child, grandparent, grandchild, parent, parent-in-law, sibling, spouse, or registered domestic partner. "Child" includes a biological child, adopted child, foster child, stepchild, or a child for whom a gig worker stands *in loco parentis*, is a legal guardian, or is a de facto parent. "Parent" includes a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of a gig worker or the gig worker's spouse or registered partner, or a person who stood *in loco parentis* when the gig worker was a minor.

For paid safe time absences related to domestic violence, sexual assault, or stalking, "household member" includes current and former spouses and domestic partners, persons who have a child in common, adult persons related by blood or marriage, adult persons who have resided or are residing together (including roommates), and persons 16 years of age or older who are or were residing together and who are or were in a dating relationship.

20. Are there any age limitations when taking PSST to care for a family member?

No. Gig workers can use PSST hours to care for a child or other covered family member of any age.

21. Can a gig worker use PSST if their hiring entity has suspended or discontinued services because of a public health emergency or concern like COVID-19 or other infectious agent?

Yes, hiring entities must allow eligible gig workers hiring entity to take PSST if the hiring entity has:

- Suspended or otherwise discontinued operations by order of a public official for any health-related reason, or to limit exposure to an infectious agent, biological toxin, or hazardous material.
- Reduced, suspended, or otherwise discontinued operations for any health or safety related reason.

22. Who is a public official?

A public official is a government official who is granted the authority to close a place of business or school. This can include local, state, or federal authorities and public health officials (e.g. Seattle - King County Public Health, the Centers for Disease Control and Prevention, or the State Department of Health) or the superintendent or principal of a public school.

23. Can a gig worker use Gig Worker PSST if their *family member's school or place of care* is closed?

Yes. A gig worker may use Gig Worker PSST if their family member's school or place of care has been closed.

24. Can parents use Gig Worker PSST for parental leave following the birth of their child?

A birth parent can use Gig Worker PSST during any period of sickness or disability following childbirth. A family member can use Gig Worker PSST to care for the birth parent during this period. Parents and family members also can use Gig Worker PSST to care for a child's illness. To use Gig Worker PSST to care for birth parent, the non-birth parent must be a spouse or registered domestic partner of the birth parent. Parents **cannot** use Gig Worker PSST for "bonding" purposes.

25. What kind of absences are related to domestic violence, sexual assault, or stalking?

The law allows gig workers to use Gig Worker PSST for a broad range of situations related to domestic violence, sexual assault, or stalking. These situations include:

- To seek legal or law enforcement assistance or remedies to ensure their own health and safety or that of their family or household member.
- To prepare for, or participate in, a civil or criminal legal proceeding.
- To seek healthcare treatment for their own physical or mental injuries or to assist a family or household member to do the same.
- To obtain, or to assist a family or household member in obtaining, services from a domestic violence shelter, rape crisis center, or other similar social services program.
- To obtain, or to assist a family or household member in obtaining, mental health counseling related to an incident in which the gig worker or their family or household member was a victim or survivor.
- To participate in safety planning, to relocate their housing, or take other actions to increase the safety of the gig worker or that of their family or household member.

Download a list of domestic violence and sexual assault resources by visiting [our Paid Sick and Safe Time webpage](#).

26. Can gig workers use Gig Worker PSST to assist a roommate who is being stalked or was sexually assaulted?

Yes, people 16 and older who are roommates count as household members under the ordinance. A gig worker can use Gig Worker PSST to care for a household member for a variety of reasons related to stalking or sexual assault.

27. Can a gig worker use Gig Worker PSST to meet with an attorney or go to court to seek a domestic violence protection order?

Yes. A gig worker can take time off to seek legal or law enforcement assistance to ensure their own safety or that of a family or household member. This includes preparing for and participating in any civil or criminal legal proceeding related to domestic violence, sexual assault, or stalking.

28. I know that a doctor's appointment falls under the ordinance. Does a dentist or eye doctor appointment also count?

Yes. Eyes and teeth both fall under the category of “physical health condition.”

29. May gig workers donate their unused Gig Worker PSST to other gig workers under a paid leave donation plan?

Yes, if the hiring entity has a program to share Gig Worker PSST. Hiring entities’ written Gig Worker PSST policy must include a description of their donation program if they choose to allow Gig Worker PSST donations. Such donations can be made in any amount consistent with the hiring entity’s policy.

30. What if a gig worker has used all their accrued Gig Worker PSST or is new and has not yet accrued Gig Worker PSST?

A hiring entity is only required to allow a gig worker to use accrued hours of Gig Worker PSST. In their discretion, hiring entities can provide more paid leave.

New gig workers begin to accrue Gig Worker PSST from the beginning of employment, and can use sick leave upon accrual so long as the gig worker has performed work in Seattle for the hiring entity within 90 days prior to the request to use Gig Worker PSST.

31. Can a hiring entity permit a gig worker to use Gig Worker PSST for reasons other than those protected by the law?

Yes. A hiring entity can allow the use of Gig Worker PSST for reasons not covered by the law.

G. Requesting PSST

1. How does a gig worker request use of PSST?

Gig workers request Gig Worker PSST electronically through a cellphone application or a web portal that hiring entities must provide for this purpose. Gig workers begin to use Gig Worker PSST immediately upon request.

2. Can a gig worker request multiple days of Gig Worker PSST at a time?

Gig workers may, but are not required to, request multiple consecutive 24-hour periods of Gig Worker PSST if the need for multiple consecutive days is foreseeable.

3. Can a hiring entity require a gig worker to find a replacement when they request Gig Worker PSST?

No. A hiring entity cannot request or require a gig worker to find a replacement when they request Gig Worker PSST.

4. What if a gig worker requests more Gig Worker PSST than they need?

Gig worker PSST is only allowed in 24-hour increments, so a gig worker who uses it must always use a full day at a time even if the gig worker just needs a few hours for an appointment.

If a gig worker requests a day of Gig Worker PSST accidentally or finds they do not need it, the system that gig workers use to request PSST may include an option to cancel or amend request.

Even if the gig worker is unable to cancel or amend the request, when a gig worker accepts an offer of work from

the hiring entity during a period for which the gig worker requested PSST, the hiring entity may deny the use of Gig Worker PSST for that day. (The hiring entity may also choose to allow the use of PSST in this circumstance.) Apart from denying the Gig Worker PSST use, the hiring entity may not otherwise penalize the gig worker who accepts an offer of work on a day Gig Worker PSST was requested.

5. How will a gig worker know when the period of Gig Worker PSST begins and ends?

The 24-hour period(s) of Gig Worker PSST begins as soon as the gig worker makes the request. The hiring entity must inform the gig worker when the period of requested Gig Worker PSST ends.

6. Can hiring entities ask for details of the reason why a gig worker is requesting PSST?

No. Gig workers are not required to disclose details of their situation that would violate the confidentiality provision of the ordinance. Hiring entities may request documentation to support the reason for the absence only after the gig worker has used Gig Worker PSST for more than three consecutive days. (See the section on Verification for more information.)

H. Verification

1. Does a gig worker have to provide verification for use of Gig Worker PSST?

In most instances, no. A hiring entity may not require verification for use of PSST unless a gig worker uses more than three consecutive days of Gig Worker PSST. After three consecutive days of use, a hiring entity may, but does not have to, request documentation that verifies that the use is authorized. The gig worker cannot be required to explain the nature of the use, only that the use was authorized.

Hiring entities do not have to request verification and we encourage hiring entities to be as flexible as possible.

2. What process must the hiring entity follow if it requires a gig worker provide verification for use of Gig Worker PSST?

A hiring entity may only require reasonable verification that PSST was used for an authorized purpose after three consecutive days of use. Any requirement to provide verification cannot result in an unreasonable burden or expense on the gig worker.

If a hiring entity requires a gig worker to submit verification after three consecutive days of use, the hiring entity must provide the gig worker a reasonable time period to provide verification of no less than ten days.

The hiring entity must notify the gig worker of their right to provide an oral or written explanation that they used Gig Worker PSST for an authorized purpose if standard verification methods such as a note from a healthcare provider would create an unreasonable burden or expense. If the gig worker provides such an explanation, the hiring entity must respond within ten days and provide alternatives for the gig worker to meet the verification requirement in a manner that does not pose an unreasonable burden or expense. Examples of alternative verification requirements include:

1. the gig worker's statement that the use was for an authorized purpose,
2. documentation from a different source, like a service provider, or
3. paying for at least half the cost for the gig worker to obtain the verification.

A hiring entity must maintain the confidentiality of all information provided by the gig worker or others in support of the gig worker's request for Gig Worker PSST. These records and documents must be kept in separate files/records from the hiring entity's gig worker files.

3. What kind of verification can a hiring entity ask of a gig worker for SICK time?

During a civil emergency proclaimed by a public official in response to COVID-19, a doctor's note or healthcare provider verification is automatically considered an unreasonable burden.

Alternate documentation can include: the gig worker's own statement, or documentation from other individuals like service providers, social workers, case managers, or legal advocates, stating that, to their knowledge, the gig worker's use of paid sick leave is for a covered purpose. Gig workers are not prevented from voluntarily using healthcare provider verification, including a doctor's note obtained through telemedicine, if it is available to them.

When there is not a civil emergency proclaimed by a public official in response to COVID-19, a hiring entity may require documentation signed by a health care provider that sick time is necessary (but the hiring entity cannot require that the documentation explain the nature of the illness).

4. What kind of verification can a hiring entity ask for use of SAFE time?

During a civil emergency proclaimed by a public official in response to COVID-19, a doctor's note or healthcare provider verification is automatically considered an unreasonable burden.

- For verification of the closure of a school or place of care, or of the reduction, suspension, or discontinuation of the hiring entity's operations for health- or safety reasons, a gig worker can provide notice of the closure in whatever format the gig worker received it.
- For verification of leave taken for domestic violence, sexual assault or stalking, a gig worker may provide the gig worker's own written statement; a police report; applicable evidence from the court or the prosecuting attorney; or documentation from an advocate, attorney, member of the clergy, medical or other professional.

Note: The verification provision for domestic violence, sexual assault or stalking does not waive confidentiality requirements.

5. Does a hiring entity's offer to pay half the cost of out-of-pocket expenses automatically meet the requirement to not create an unreasonable burden?

No. What constitutes an unreasonable burden requires a case by case analysis based on the specific information required by the hiring entity.

6. Can a hiring entity require early verification in advance of a worker taking Gig Worker PSST days?

No. A hiring entity cannot require early verification.

7. What recourse does a hiring entity have if the hiring entity believes a gig worker is abusing Gig Worker PSST?

If a hiring entity can demonstrate that a gig worker's use of PSST was for an unauthorized purpose, the hiring entity may withhold payment for the Gig Worker PSST used, but may not deduct those hours from a gig worker's accrued, unused PSST balance. If a hiring entity withholds payment for the unauthorized use of Gig Worker PSST, the hiring entity must provide written notification to the gig worker and provide the gig worker a process to contest the decision and assert the use of PSST was for an authorized purpose.

8. How does a hiring entity "demonstrate" that a gig worker's use of PSST was for an unauthorized purpose?

Generally speaking, a hiring entity may not lawfully deny the gig worker's use of their accrued, unused Gig Worker PSST absent evidence that clearly shows that a gig worker is not using Gig Worker PSST for an authorized purpose.

I. Hiring entity notice requirements

1. What are the notice requirements of the Gig Worker PSST ordinance?

Hiring entities are required to provide gig workers the following:

- a. A Notice of Rights detailing
 - i. the right to paid sick and paid safe time guaranteed by this ordinance;
 - ii. the amount of paid sick and paid safe time accrual and the terms of its use guaranteed under this ordinance;
 - iii. the right to be protected from retaliation; and
 - iv. the right to file a complaint with OLS or bring a civil action for violations of the law.
- b. A notice of the hiring entity's policy and procedure to meet the requirements of the law (see question I.2 below for more details).
- c. Regular written notifications of the gig worker's current rate of average daily compensation for use of paid sick and paid safe time, as well as an updated balance since the last notification of the number of Gig Worker PSST days that have been accrued, reduced, and that are available for use. This notification must be provided at least monthly unless the gig worker has not worked since the last notification.

2. What information is required in the written Gig Worker PSST policy?

Hiring entities must provide gig workers a written policy and procedure that describes how the employer is meeting the requirements of the Gig Worker PSST ordinance. The policy should cover the following provisions:

- a. The gig worker's right to paid sick and paid safe time under this law;
- b. Whether the hiring entity is using a year other than the calendar year for carry-over of accrued, unused paid sick and paid safe time;
- c. The authorized purposes under which paid sick and paid safe time may be used;
- d. The manner the hiring entity will use to provide gig workers with the regular written notifications containing information on their current rate of average daily compensation for use of paid sick and paid safe time, and an updated amount of accrued, reduced, and available paid sick and paid safe time;
- e. Prohibitions against retaliation; and
- f. If applicable, an explanation of:
 - i. Any verification requirements for using PSST for more than three consecutive days;
 - ii. Shared paid sick and paid safe time program in which a gig worker may choose to donate paid sick and paid safe time to a co-worker;
 - iii. Policy related to frontloaded paid sick and paid safe time; and
 - iv. The manner by which the hiring entity will subtract the amount of paid leave provided to the gig worker and used for a paid sick and paid safe time purpose between October 1, 2019 and July 13, 2020. (See question D.7 for more information on this item)

3. How should hiring entities provide the required notice of rights and notice of policy and procedures to gig workers?

Hiring entities must provide the notice of rights and the notice of their policy and procedure in an electronic format via cellphone application or online web portal. The notices must be provided in English and in the primary language of the gig worker, if the hiring entity has reason to know the gig worker's primary language is not English.

4. Has OLS issued a Model Notice of Rights for this ordinance?

OLS has not published a model notice of rights. Hiring entities are responsible for providing gig workers with a notice of rights in a manner sufficient to inform gig workers of their rights under this ordinance, regardless of whether the Agency has created and distributed a model notice of rights.

5. (UPDATED) How should the notice of rights be updated to address the fact that the right to use and accrue PSST will end on April 30, 2022.?

OLS encourages hiring entities to update the notice of rights previously provided to workers so that workers understand their rights following the April 30, 2022 changes to the law. An update to the employer's notice of rights document might add:

- The right to accrue and use PSST was in effect from July 13, 2020 until April 30, 2022.
- The amount of paid sick and paid safe time accrual and the terms of its use guaranteed under this

ordinance;

- The right to file a complaint with OLS or bring a civil action for violations of the law for three years (until October 31, 2025), including if a gig worker did not accrue or was not allowed to use PSST between July 13, 2020 until April 30, 2022; and
- The right to be protected from retaliation.

6. How does a hiring entity need to provide regular written notifications about a gig worker's average daily compensation and PSST balance?

Hiring entities may choose a reasonable system for providing notifications about the gig worker's current rate of average daily compensation, and their updated amount of accrued, reduced, and available PSST. This system could be: a pay stub, a weekly summary of compensation information, an online system where gig workers can access their own paid sick and paid safe time information, or another reasonable system.

Hiring entities are not required to provide this notification to a gig worker if the gig worker has not worked any days since the last notification.

J. Hiring Entity Records

1. What are hiring entity record-keeping requirements for Gig Worker PSST?

Employers are required to retain records that show compliance with the law for three years. Employers must retain records that reasonably indicate:

- Date of commencement of work;
- Days worked in whole or part in Seattle;
- Compensation for days worked in whole or part in Seattle;
- Rates of average daily compensation as calculated every calendar month;
- Paid sick and paid safe time accrued, and any unused paid sick and paid safe time available for use;
- Paid sick and paid safe time reductions, including but not limited, to paid sick and paid safe time used, paid sick and paid safe time donated to a co-worker through a shared leave program, or paid sick and paid safe time not carried over to the following year; and
- Other records that are material and necessary to effectuate the terms of this ordinance, pursuant to Director rules.

2. If a hiring entity is under investigation but does not provide records, how will OLS determine the amount of compensation owed to the gig worker?

If the precise amount of unpaid compensation cannot be determined due to a hiring entity's failure to produce records, or if a hiring entity produces records in a manner that makes timely determination of the amount of unpaid compensation impracticable, the Director may designate a minimum amount of **\$150 per accrued day** of Gig Worker PSST owed to the aggrieved party, where a minimum amount of \$150 may be assessed in place of the average daily compensation owed for each day. For any violation of this ordinance, the Director may assess damages in an additional amount of up to twice the unpaid compensation.

K. Prohibition on retaliation

1. Does the ordinance prohibit retaliation? What is retaliation?

Yes. Retaliation is illegal. Hiring entities and all others are prohibited from taking an adverse action or discriminating against gig workers who assert their rights to Gig Worker PSST in good faith. These rights include, but are not limited to:

- Using or asking to use Gig Worker PSST;
- Informing a hiring entity, union or legal counsel about alleged Gig Worker PSST violations;

- Filing a complaint about alleged Gig Worker PSST violations;
- Participating in an investigation of alleged Gig Worker PSST violations; or
- Informing other gig workers of their Gig Worker PSST rights.

2. Can hiring entities discipline gig workers who violate policies related to Gig Worker PSST?

Yes. Hiring entities can take reasonable disciplinary action for violation of its policies, provided such discipline does not constitute unlawful retaliation or discrimination based on an assertion of Gig Worker PSST rights. Hiring entities should consider appropriate documentation of discipline.

However, if a hiring entity can demonstrate that a gig worker's use of Gig Worker PSST was for an unauthorized purpose, the hiring entity may not take any adverse action against the gig worker other than withholding payment for the Gig Worker PSST used. A hiring entity may not deduct those hours from a gig worker's accrued, unused Gig Worker PSST or restrict the gig worker's future use of Gig Worker PSST. If a hiring entity withholds payment for the unauthorized use of Gig Worker PSST, the hiring entity must provide written notification to the gig worker and allow the gig worker to contest the decision.