



## App-Based Worker Paid Sick and Safe Time Ordinance Questions and Answers

The **App-Based Worker Paid Sick and Safe Time Ordinance** (ABWPSST) provides certain app-based workers access to paid sick and paid safe time. Beginning May 1, 2023, this law allowed app-based workers who performed work for food delivery network companies 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. Beginning January 13, 2024, the law covers app-based workers from all covered network companies.

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 network companies. 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:

- App-based workers with questions and complaints – submit an [online inquiry form](#).
- Network companies with requests for technical assistance – send an email to [business.laborstandards@seattle.gov](mailto:business.laborstandards@seattle.gov) or submit an [online inquiry form](#).

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## A. General Information

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### 1. What does the ordinance do?

The App-Based Worker Paid Sick and Safe Time Ordinance provides paid sick and paid safe leave for app-based workers. This law allows certain app-based workers access to paid sick and safe time (ABWPSST) from covered network companies (NCs).

### 2. When does the App-Based Worker PSST Ordinance take effect?

The ordinance took effect May 1, 2023, for food delivery network company app-based workers. Beginning January 13, 2024, the law applies to all app-based workers who work for a network company.

### 3. Is this different from the Gig Worker Paid Sick and Safe Time Ordinance (GWPSST)? Has the GWPSST 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 under the temporary GWPSST Ordinance. The remaining requirements will stay in effect for three years to retain provisions necessary for recordkeeping and enforcement. For more information, visit the OLS GWPSST webpage [here](#). The ABWPSST is the permanent ordinance passed in the wake of GWPSST suspension.

### 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 network companies including education, training, and compliance assistance.

### 5. Where do app-based workers call with questions? Can workers remain anonymous?

Workers can call 206-256-5297, email [workers.laborstandards@seattle.gov](mailto: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 workplace issues. 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 network company, trying to informally resolve the issue without a full investigation, or conducting a formal investigation. If OLS decides to investigate but cannot do so immediately, it may place the case on a waitlist.

### 7. Does an app-based 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' services are free of charge regardless of whether interpretation services are required.

### 9. Can network companies call OLS with their questions?

Yes! OLS provides compliance assistance for network companies. Network companies can call 206-256-5297, send an email to [business.laborstandards@seattle.gov](mailto:business.laborstandards@seattle.gov), or submit an [online inquiry form](#). OLS does **not** share

information about the identity of network companies with our enforcement team. Phone conversations and email conversations are kept separate from the enforcement process.

**10. What happens when a network company calls OLS with a question about compliance?**

OLS encourages network companies to call or email their questions to our office. Our goal is to help network companies 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 enforcement process.

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

An app-based 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 worker can use **safe time** for the following reasons:

- When the network company 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 network companies offer more protective paid sick and paid safe leave policies than required by the Ordinance?**

Yes. The ordinance sets the minimum requirements for ABWPSST; it does not prevent network companies from establishing more protective policies.

**13. Can individual app-based workers waive their rights to protections under the App-Based Worker PSST Ordinance?**

No, app-based workers cannot waive their rights under the ordinance.

## B. Network Companies

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**1. Which companies are covered by the App-Based Worker PSST Ordinance?**

The ordinance covers network companies that facilitate work performed by 250 or more app-based workers worldwide, regardless of where those workers perform work, including but not limited to chains, integrated enterprises, or franchises associated with a franchise or network of franchises that facilitate work performed by 250 or more app-based workers worldwide in aggregate. Companies that meet the definition of a marketplace network company are not covered by the ordinance.

**2. What is a Network Company?**

“Network Company” or “NC” means an organization, whether a corporation, partnership, sole proprietor, or other form, operating in Seattle, that uses an online-enabled application or platform, such as an application dispatch system, to connect customers with app-based workers, presents offers to app-based workers through a worker platform, and/or facilitates the provision of services for compensation by app-based workers.

This excludes:

- An entity offering services that enable individuals to schedule appointments with and/or process payments to users, when the entity neither engages in additional intermediation of the relationships between parties to such transactions nor engages in any oversight of service provision;
- An entity operating digital advertising and/or messaging platforms, when the entity neither engages in intermediation of the payments or relationships between parties to resulting transactions nor engages in any oversight of service provision;
- An entity that meets the definition of "transportation network company" (TNC) as defined by RCW 46.04.652 as amended; or
- An entity that meets the definition of "for hire vehicle company" or "taxicab association" as defined in Section 6.310.110.

**3. Are "hiring entities" as previously used in the GWPSST Ordinance different than "network companies"?**

The App-Based Worker PSST Ordinance expanded company coverage. Previously, under the GWPSST Ordinance, only hiring entities defined as food delivery network companies (and originally also transportation network companies) were covered. Now, the App-Based Worker PSST Ordinance applies to all covered network companies as defined in question 2. For more information on the difference between GWPSST and ABWPSST, [see this chart](#).

**4. How does a network company count app-based workers for coverage purposes?**

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

If a network company did not have app-based workers in the previous calendar year or the network company was bought or sold, the number of average app-based workers is calculated based upon the average number per calendar week of app-based workers who worked for compensation during the first 90 calendar days of the current year in which the network company engaged in business.

**5. How do new network companies determine the number of app-based workers hired?**

Network companies with no app-based workers during the previous calendar year determine their coverage by calculating the average number of app-based workers worldwide who worked for compensation per calendar week during the first 90 days of the current year of business.

**6. If a network company has app-based workers working in Seattle and outside the city, does the network company need to count all app-based workers to determine coverage?**

Yes. To determine coverage, network companies must count **all** app-based workers who perform work in Seattle and outside the city (worldwide).

**7. What is a marketplace network company?**

"Marketplace network companies" are network companies primarily facilitating offers that are pre-scheduled at least two hours in advance and that:

- Enable customers and workers to exchange information prior to workers' acceptance of offers;
- Allow the workers to set their own rates;
- Do not monitor the performance of work by mileage or time; and
- Do not primarily provide delivery services.

Marketplace network companies are not covered by the ordinance. For more details, see the App-based Worker Minimum Payment Ordinance Question and Answer document [here](#).

**8. 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.

**9. 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.

**10. 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.

**11. 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.

**12. 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.

**13. If a network 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 App-Based Worker PSST for all their app-based workers that provide delivery services.

## C. App-Based Workers

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**1. Which app-based workers are covered by the App-Based Worker PSST Ordinance?**

Covered app-based workers are workers who perform services in furtherance of an offer facilitated or presented by a covered network company, where those services are performed in whole or part in Seattle. App-based workers that work for a marketplace network company are not covered by this ordinance.

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

If an app-based 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 an app-based 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. Are app-based workers who do not have immigration status entitled to PSST?**

All network company app-based workers who perform work in Seattle are covered by the ordinance, including app-based 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](#).

**4. Are app-based workers who are independent contractors covered by this ordinance?**

Yes. App-based workers are covered so long as they perform work in Seattle for a covered network company. Employees of network companies working in Seattle are covered under the standard Paid Sick and Safe Time Ordinance, SMC 14.16.

**5. Does the App-Based Worker PSST Ordinance cover app-based workers based outside of Seattle who work in Seattle on an occasional basis?**

Yes. Any time an app-based 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 App-Based 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 PSST Accrual and PSST Rate of Pay sections below.)

**6. Who is responsible for tracking the trips or deliveries made in Seattle: the network company or the app-based worker?**

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

## D. Accruing PSST

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**1. How much PSST do app-based workers accrue?**

Covered app-based workers accrue (earn) one day of PSST for every 30 days worked in whole or in part in Seattle.

**2. How does an App-based worker know how much accrual they have earned?**

Network companies must notify covered app-based workers of the accrued, used, and available balance of App-based worker PSST at least once a month. A network company may choose some reasonable system for providing this notification, which can include a pay stub, e-mail, or the accessible system.

Note: Network Companies might make this information available at an on-going basis, if so, network companies are still required to send monthly notification.

**3. What is the accessible system?**

An accessible system means a network company makes PSST information available to its app-based workers via smartphone application or online web portal and must include a link to the accessible system in the worker platform. The accessible system must be available in English and the primary language of the app-based worker, and accessible from any location. It must include monthly average daily calculation information, process for app-

based worker to request PSST, and the written Notice of Rights.

The network company may also use the accessible system to include PSST balance information, i.e., the amount of PSST accrued and used since the last notification, and any unused PSST available for use.

**4. What information on average daily compensation should the accessible system include**

An accessible system shall include monthly information on how the network company calculated the app-based worker's average daily compensation, including:

1. The current rate of average daily compensation for use of paid sick and safe time;
2. A designation of which days worked were included in the average daily compensation, and;
3. Total earnings and total number of days worked for the 12 months immediately prior to the date the app-based worker's amount of accrued paid sick and paid safe time was last calculated.

**5. What is a timely response to a request to use PSST?**

The network company's response is timely when it confirms the receipt of the request within 2 hours and either approves or denies the request within 48 hours of the app-based worker's request. The approval notification shall include the specific start and end time of the paid sick and safe time hours, which shall be in 24-hour increments.

**6. When do new app-based workers begin to accrue PSST?**

App-based workers begin to accrue PSST as soon as they start working for the network company. Only the days worked in whole or in part in Seattle will count towards accrual.

**7. 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 time spent by an app-based 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 work-related stops in Seattle.

**8. How can an app-based worker tell how many days they have worked in Seattle for purposes of PSST accrual?**

The accessible system must include a designation of which days count towards a day worked. This can be a list of exact dates within each calendar month.

**9. If an app-based 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 App-based worker PSST.

**10. Is there a maximum amount of App-based worker PSST an app-based worker can accrue?**

There is no limit on the amount of PSST an app-based worker can accrue, but the network company may limit the amount of PSST an app-based worker can carry over from year to year. Each year, a network company must allow an app-based worker to carry over at least nine days of accrued App-based worker PSST into the next year.

**11. Can network companies use any fixed, consecutive 12-month period of time for accrual and carry over of App-based worker PSST?**

Yes, network companies can use any fixed, consecutive 12-month period of time for accrual and carry-over of PSST

days, including a calendar year (i.e. January 1 through December 31), a tax year, fiscal year, contract year, or the year running from an app-based worker's anniversary date of commencement of work. An app-based worker commences work no later than the first calendar day on which the app-based worker has accepted an offer of prearranged services for compensation by the network company.

**12. Do app-based workers accrue paid sick time separately from paid safe time, or is it one amount of time that app-based workers can use either way?**

App-based workers accrue App-based 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 for which PSST can be used.

**13. If an app-based worker stops working regularly for a network company, what happens to their accrued App-based worker PSST?**

The network company must keep the records. If the app-based worker returns to perform work for the network company within 12 months, the app-based worker is entitled to pick up their accrued balance where they left off. However, they may not be able to use their app-based worker PSST until they have worked at least once in Seattle within 90 days of requesting the leave. See Section E below for more information about when an app-based worker can use their PSST.

**14. If an app-based worker stops working and returns to work within 12 months, will their App-based worker PSST balance be affected by the carry-over limitation?**

If an app-based worker had accrued more than nine days, their balance may be affected. If the app-based worker's reinstatement happens after the end of the year that the network company uses for accrual and carry-over, the network company is only required to reinstate nine days of previously accrued App-based worker PSST.

**15. Are network companies allowed to frontload App-based worker PSST?**

Yes, frontloading is allowed, meaning that a network company can give an app-based worker access to a certain amount of App-based worker PSST before they've accrued it. Frontloaded App-based worker PSST must meet requirements for accrual, use, and carry over, and otherwise comply with the provisions of this ordinance. Network companies must describe their frontloading policy in their written, App-based worker PSST policy.

Network companies that frontload PSST must monitor an app-based worker's actual accrual and adjust PSST balances as necessary. Network companies must correct any discrepancies between actual accrual and the frontloaded balance within 30 days of identifying or receiving notice of a discrepancy. However, if an app-based 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 network company may not request or require reimbursement.

Network companies who frontload PSST also must carry over unused days to the next year in accordance with the requirements of the ordinance.

**16. What if a network company frontloads too few PSST days? When does the network company have to correct it?**

A network company must correct the discrepancy as soon as practicable, but no later than 30 days after identifying the discrepancy.

**17. What if a network company frontloads too many PSST days? Can a network company deduct from the worker's balance?**

It depends. If the network company identifies that the app-based 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 network company may not seek reimbursement of any frontloaded PSST the app-based worker has already used.

**18. If network companies frontload more than nine days of App-based worker PSST at the beginning of the year, do**



**they still need to allow carry over?**

Yes. Network companies who frontload PSST must carry over unused PSST days to the next year in accordance with the requirements of the ordinance.

**19. Can network companies have programs that reward app-based workers (with money or other benefits) for not using PSST?**

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

**20. Does a day of using PSST count as a day worked in Seattle for the purpose of calculating accrual and average compensation calculation?**

No. An app-based worker does not accrue PSST while using PSST. Similarly, pay for PSST does not factor into the calculation of the average daily compensation. If an app-based worker accepts orders for the network company while taking PSST, then the network company can withhold their PSST compensation and must notify the app-based worker. See section E. Using PSST question 10 for more information.

**21. How can app-based workers learn about their balance of PSST days?**

At least once a month, network companies must provide each app-based worker with written notification that includes:

- The balance of unused PSST available for use;
- The amount of PSST accrued since the last notification; and
- The amount the app-based worker’s balance was reduced since the last notification.

Network companies may choose a reasonable system for providing this notification, including: a pay stub, a weekly summary of compensation information, email, or the accessible system. Network companies are not required to provide this notification to an app-based worker if the app-based worker has not worked in Seattle since the last notification.

**22. Does a successor network company need to retain PSST days for existing app-based workers?**

Yes. When a network company is acquired by a successor company, existing app-based workers retain all previously accrued PSST days, and those days remain available for use. Successor network companies must immediately comply with PSST requirements and are not considered “new network companies” under the ordinance.

## E. Using PSST

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**1. When can an app-based worker start using PSST?**

An app-based worker can start using PSST after they have accrued their first day of PSST, if they have worked for the network company in Seattle within the previous 90 days, and when the network company has made it available for use.

**2. How soon can an app-based worker use PSST after it accrues?**

Network companies must make accrued days of PSST available for use as soon as practicable and no more than one week after the date of accrual.

**3. How does an app-based worker use their PSST?**

When an app-based worker has PSST available, the worker may use it by requesting to do so through the accessible system. Once requested, the use begins immediately. (See Requesting PSST section below for more information.)

**4. How much PSST can an app-based worker use in a year?**

Network companies may not limit the use of PSST. If an app-based worker has accrued and unused PSST, they may use it for authorized purposes without limit.

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

Network companies must permit app-based workers to carry over at least nine days of accrued, unused PSST to the next year. (See Questions D.9-D.10 in the “Accruing App-based worker PSST” section above for more information about carry over.) “Year” can be a calendar year, or fiscal year, service year, or any other fixed consecutive 12-month period established by the network company in the written policy.

**6. For what time increments are app-based workers allowed to use PSST?**

App-based workers can use 24-hour increments of PSST. When app-based workers request PSST, a network company can require them to not accept a trip or delivery for 24 hours after making the request. For example, if an app-based worker requests PSST at 3:00 PM on a given day, the network company can expect them to refrain from performing work for that network company until after 2:59 PM the following day.

**7. What if an app-based worker works within 24 hours of requesting App-based worker PSST?**

If an app-based worker accepts a trip or delivery for compensation from a network company during the 24-hour period for which the app-based worker requested a day of PSST, a network company may (but does not have to) determine that the app-based worker did not use PSST for an authorized purpose. If a network company determines they did not use PSST for an authorized purpose, they may withhold compensation for the requested day of PSST. In that instance, the PSST day remains available to the worker for future use.

**8. How will an app-based worker know when their 24-hour increment of PSST is over?**

Network companies must notify workers using the accessible system. A network company must confirm receiving the request within 2 hours and either approve or deny the request within 48 hours. The approval notification must include the specific start and end time of the PSST day(s).

**9. Can an app-based worker request more than one day of PSST at once for immediate use?**

Yes, an app-based worker can request multiple consecutive days of PSST for immediate use. Network companies are required to notify the app-based worker when their 24-hour increment(s) of PSST are expected to be complete.

**10. What happens if a network company determines that an app-based worker did not use PSST for an authorized purpose?**

If a network company can demonstrate that an app-based worker did not use PSST for an authorized purpose, the network company may withhold compensation for the days of PSST, subject to the following conditions:

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

**11. What if an app-based worker, after requesting multiple days of App-based worker PSST, works at some point during the multiple days? Can the network company deny payment for the entire duration of the requested leave?**

If an app-based worker accepts a trip or delivery for compensation from a network company during the time they also requested days of PSST, the network company may determine that the app-based worker did not use App-based worker PSST for an authorized purpose. Absent evidence that the app-based worker did not use PSST for an authorized purpose for all days, a network company may only withhold payment for the day (24-hour increment)

when work was performed. A network company may deny compensation for that specific requested day of PSST

**12. Can an app-based worker request a day of PSST in advance of use?**

Network companies are not required to accommodate advance requests of PSST. But there is nothing in the law that prevents advance requests of PSST from being accommodated.

**13. Can an app-based worker request a day of PSST for a day that has already passed?**

Yes. App-based workers can request PSST as soon as practicable. If it was not practicable to request PSST for immediate use, then an app-based worker can request PSST for a past day(s).

**14. Can app-based workers use PSST if they have been deactivated?**

Yes, an app-based worker is entitled to use any accrued PSST time during a deactivation or other status that prevents work for the network company, unless they have been deactivated due to a verified allegation of sexual assault perpetrated by the app-based worker.

**15. Can app-based workers use their accrued PSST if they have not worked for the network company in a long time?**

An app-based worker is entitled to use accrued PSST if the app-based worker has performed work for the network company in Seattle **within 90 days** preceding the app-based worker's request. If they have not worked in Seattle for that network company in more than 90 days, an app-based worker will be eligible to use PSST the day after they begin working for the network company again in Seattle.

**Example:** A covered app-based worker has accrued three days of PSST but has not driven for the network company in Seattle in five months. The app-based worker then accepts an offer to provide delivery services for compensation from a covered network company in Seattle. The app-based worker is eligible to use their three days of accrued PSST after the day they perform delivery services.

**16. Can an app-based worker who is deactivated use their accrued PSST?**

Yes, an app-based worker can use their PSST during a deactivation or other status that prevents work for the network company, unless such status is due to a verified allegation of sexual assault perpetrated by the app-based worker. An app-based worker must have worked in Seattle within the last 90 days to use their accrued PSST.

**17. What are acceptable reasons for using paid SICK time?**

An app-based worker can use paid sick time for the following reasons:

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

**18. 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 an app-based 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 an app-based worker or the worker's spouse or registered partner, or a person who stood *in loco parentis* when the app-based worker was a minor.

**19. What are acceptable reasons for using paid SAFE time?**

An app-based worker can use paid safe time for the following reasons:

- When the network company 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 network company 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 app-based worker or the app-based worker’s family or household member. For example, an app-based 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 an app-based worker needs to care for a family member whose school or place of care has been closed.

**20. 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 an app-based 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 an app-based worker or the app-based worker’s spouse or registered partner, or a person who stood *in loco parentis* when the app-based 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.

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

No. App-based workers can use PSST to care for a child or other covered family member of any age.

**22. Can an app-based worker use PSST if a network company has suspended or discontinued services because of a public health emergency or concern like COVID-19 or other infectious agent?**

Yes, network companies must allow eligible app-based workers network company to take PSST if the network company 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.

**23. 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.

**24. Can an app-based worker use PSST if their family member’s school or place of care is closed?**

Yes. An app-based worker may use PSST if their family member’s school or place of care has been closed.

**25. Can parents use PSST for parental leave following the birth of their child?**

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

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

The law allows app-based workers to use 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 app-based 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 app-based 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](#).

**27. Can app-based workers use App-based 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. An app-based worker can use PSST to care for a household member for a variety of reasons related to stalking or sexual assault.

**28. Can an app-based worker use PSST to meet with an attorney or go to court to seek a domestic violence protection order?**

Yes. An app-based 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.

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

Yes. Eye and dental illness, injury, or conditions fall under the category of “physical illness, injury, or health condition,” and eye and dental care qualify as “medical care.”

**30. May app-based workers donate their unused PSST to other app-based workers under a paid leave donation plan?**

Yes, if the network company has a program to share PSST. Network companies’ written PSST policy must include a description of their donation program if they choose to allow PSST donations. Such donations can be made in any amount consistent with the network company’s policy.

**31. What if an app-based worker has used all their accrued PSST or is new and has not yet accrued PSST?**

A network company is only required to allow an app-based worker to use accrued PSST. In their discretion, network companies can provide more paid leave.

New app-based workers begin to accrue PSST as soon as they start work for the network company, and can use PSST upon accrual so long as the app-based worker has performed work in Seattle for the network company within 90 days prior to the request to use PSST.

**32. Can a network company permit an app-based worker to use PSST for reasons other than those protected by the law?**

Yes. A network company can allow the use of PSST for reasons not covered by the law.

## F. Rate of Pay & Cash-Out

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### 1. What is the app-based worker's rate of pay for using PSST?

Network companies must pay app-based workers their "average daily compensation" for each day of PSST. "Average daily compensation" is calculated by the following steps:

- a. Calculate total compensation by adding up **all** compensation earned during the last 12 months an app-based worker worked for each covered calendar day in Seattle. For each covered day, include compensation earned for work performed both inside and outside Seattle.
- b. Calculate "days worked" by determining the number of calendar days an order was done in whole or in part in Seattle.
- c. Take the total compensation and divide it by the number of days worked to get the average daily compensation.
- d. The average daily compensation is recalculated monthly.

Beginning January 13, 2024, average daily compensation no longer includes tips earned from customers.

**Example #1:** Jamie works for a grocery delivery platform a few days a week. They have been working for the platform since February 2023 in Seattle and Shoreline. Jamie had 120 days where they worked in whole or part in Seattle since February of 2023 and earned \$12,000 total for the days they worked in whole or part in Seattle. That amount includes compensation they earned for work performed in Shoreline, provided they also worked in Seattle on that day. It does not include compensation for days when Jaime only worked in Shoreline. When Jaime requests a day of PSST from their network company, they will be entitled to \$100 for each 24-hour increment of PSST.

### 2. How can app-based workers see their average daily compensation?

App-based workers can use the accessible system to see how the network company is calculating the average daily compensation. This includes the following:

- a. Current average daily compensation,
- b. The designation of which days worked are included in the calculation,
- c. Total earnings and total number of days for the past 12 months.

### 3. Is this different than how the temporary Gig Worker Paid Sick and Safe Time was calculated?

Yes. The GWPSST used the highest paid month to calculate the average daily compensation rate, and it included tips earned. This new ordinance instead uses all compensation from the previous 12 months, does not include tips earned. Like with the GWPSST, the average daily compensation rate is recalculated monthly.

### 4. Are app-based workers entitled to have their tips and bonuses included when calculating average daily compensation rate?

Average daily compensation includes payments from the network company for providing services, bonuses, and commissions. Tips are not required to be included in average daily compensation. The law required tips earned from customers to be included until January 12, 2024.

### 5. What if an app-based 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.

### 6. When is App-based worker PSST paid out?

Network companies must compensate an app-based worker for the requested day(s) of PSST no later than 14 days, or the next regularly scheduled date of compensation following the requested day(s), whichever day is sooner.

**7. Are cash-outs permitted under the ordinance?**

Cash-outs are permitted in limited circumstances. Upon separation, if the network company and app-based worker have agreed in writing, network companies may cash out any portion of the worker's PSST balance (including the full balance). If a network company defines a year to mean a 12-month consecutive period other than the calendar year (i.e. fiscal year) then at the end of the calendar year, partial cash-outs are permitted for carryover purposes.

**8. Is cash-out required when app-based workers stop performing work for a network company?**

No. The law does not require network companies to cash out unused PSST upon an app-based worker's separation from work. Cashing-out is a discretionary option for network companies and app-based workers. The network company must retain the records and reinstate the balance if the worker returns to work for the network company within 12 months.

## G. Requesting PSST

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**1. How does an app-based worker request use of PSST?**

App-based workers request PSST electronically through an accessible system via a smartphone application or an online web portal that network companies must provide for this purpose. App-based workers begin to use PSST immediately upon request. An accessible system shall include a mechanism for the app-based worker to request paid sick and safe time and for the network company to approve such requests, including timely responses from network company to app-based worker's requests to use paid sick and safe time.

**2. Where can an app-based worker find this accessible system?**

The network company must inform all app-based workers about the location of this accessible system and must include a link to the accessible system in its worker platform.

**3. If an app-based worker uses a language other than English as their primary language, can they request use of PSST with their primary language?**

Yes. A network company must make the accessible system available in English and the primary language of the app-based worker.

**4. Does a network company need to respond to each of app-based worker's PSST use requests?**

Yes. A network company must respond to every PSST use request via its accessible system. A network company must confirm the receipt of the request within 2 hours and either approve or deny the request within 48 hours of the app-based worker's request.

**5. How can an app-based worker learn how to use the accessible system to request PSST?**

The network company must provide each app-based worker with written notice of clear instructions and procedures for the accessible system. The instructions and procedures must include information on where an app-based worker can access the accessible system and how to navigate such system including, but not limited to, easy-to-follow steps to request their PSST.

**6. When an app-based worker requests the use of PSST in 24-hour increments, does each 24-hour increment have to align with a calendar day?**

No. A 24-hour increment for use of the PSST does not need to be a calendar day. It can be, for example, 5:25 pm on January 2nd to 5:24 pm on January 3rd.

**7. Can an app-based worker request multiple days of App-based worker PSST at a time?**

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

**8. Can an app-based worker request a day in the past?**

Yes. An app-based worker must request the app-based worker PSST as soon as it is practicable. For example, if an app-based worker had a health or safety issue and could not make a request before they needed to use PSST, the app-based worker can submit a retroactive request as soon as it is practicable. The 24-hour day that the app-based worker requests to use their PSST cannot be a day when the app-based worker performed any offer unless the network company's policy allows it.

**9. What if an app-based worker requests more PSST than they need?**

PSST is only allowed in 24-hour increments, so an app-based worker who uses it must always use a full day (each 24-hour increment as a day, not necessarily a calendar day) at a time even if the app-based worker just needs a few hours for an appointment.

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

Even if the app-based worker is unable to cancel or amend the request, when an app-based worker accepts an offer of work from the network company during a period for which the app-based worker requested PSST, the network company may deny the use of PSST for that day. (The network company may also choose to allow the use of PSST in this circumstance.) Apart from denying the PSST use, the network company may not otherwise penalize the app-based worker who accepts an offer of work on a day PSST was requested.

**10. How will an app-based worker know when the period of PSST begins and ends?**

Within 48 hours of an app-based worker's request of paid sick and safe time, a network company must either approve or deny the request. The approval notification must include the specific start and end time of the paid sick and safe time day(s), which must be in 24-hour increments.

**11. Can network companies ask for details of the reason why an app-based worker is requesting PSST?**

No. Network companies cannot ask for details of the reason why an app-based worker is requesting PSST. Network companies, however, may request documentation to support the reason for the absence only after the app-based worker has used PSST for more than three consecutive days. (See the section on Verification for more information.)

**12. Can an app-based worker request to use their PSST if they have been deactivated?**

An app-based worker can use their PSST during a period of deactivation or other situation where the worker is prevented from working for the network company, unless such status is due to a verified allegation of sexual assault perpetrated by the app-based worker. An app-based worker must have retroactive access to previously approved PSST if the network company, upon concluding their verification process, found the sexual assault allegation to be unsubstantiated.

**13. What constitutes "a verified allegation of sexual assault perpetrated by the app-based worker" that would prevent an app-based worker from using their PSST? What evidence(s) can support such an allegation?**

A verified allegation of sexual assault is an allegation that is supported by any of the following examples of evidence, obtained by, or reported to the network company, such as:

- i. Victim or witness testimony or statement;
- ii. Police report;
- iii. Court documents;
- iv. Statement of an advocate for victims of domestic violence, sexual assault, or stalking;
- v. Statement of an attorney;
- vi. Statement of a member of the clergy;
- vii. Documentation from a medical provider or other professional;
- viii. Video or pictures of the alleged incident; or



- ix. Other evidence in accordance with the network company's policies and procedures for verifying allegations of sexual assault.

## H. Verification

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### 1. Does an app-based worker have to provide proof that they are using PSST for a legitimate reason?

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

Network companies do not have to request verification and a best practice for network companies is to be as flexible as possible.

### 2. What process must the network company follow if it requires an app-based worker to provide verification for use of PSST?

A network company 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 app-based worker.

If a network company requires an app-based worker to submit verification after three consecutive days of use, the network company must provide the app-based worker a reasonable time period to provide verification of no less than ten days.

The network company must notify the app-based worker of their right to provide an oral or written explanation that they used App-based 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 app-based worker provides such an explanation, the network company must respond within ten days and provide alternatives for the app-based 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 app-based worker's statement that the use was for an authorized purpose;
2. Documentation from a different source, like a service provider; or
3. The network company paying for at least half the cost for the app-based worker to obtain the verification.

A network company must maintain the confidentiality of all information provided by the app-based worker or others in support of the app-based worker's request for PSST. These records and documents must be kept in separate files/records from the network company's app-based worker files.

### 3. What kind of verification can a network company ask of an app-based worker for SICK time?

A doctor's note or other types of healthcare provider verification.

### 4. What kind of verification can a network company ask for use of SAFE time?

For verification of the closure of a school or place of care, or of the reduction, suspension, or discontinuation of the network company's operations for health- or safety reasons, an app-based worker can provide notice of the closure and the absence of care in whatever format the app-based worker received it.

For verification of leave taken for domestic violence, sexual assault or stalking, an app-based worker may provide the app-based 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 the network company's responsibility to maintain the confidentiality of any information provided by the app-based worker or others in support of an app-based worker's request for PSST.

**5. Does a network company'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 network company.

**6. Can a network company require early verification in advance of a worker taking more than three consecutive days of PSST?**

No. A network company cannot request verification until an app-based worker has used (not just requested) more than three consecutive days of PSST. For example, if an app-based worker requests four days of PSST, a network company cannot request verification until the fourth day of consecutive PSST use.

**7. What recourse does a network company have if the network company believes an app-based worker is abusing PSST?**

If a network company can demonstrate that an app-based worker's use of PSST was for an unauthorized purpose, the network company may withhold payment for the requested PSST but may not deduct those days from an app-based worker's accrued, unused PSST balance.

If a network company withholds payment for the unauthorized use of PSST, the network company must provide a method of contact (i.e. a designated email or phone number where the app-based worker can directly communicate with network company personnel) and accessible procedure and process for the app-based worker to contest the decision and assert the use of PSST was for an authorized purpose.

**8. How does a network company “demonstrate” that an app-based worker's use of PSST was for an unauthorized purpose?**

Generally speaking, a network company may not deny the app-based worker's use of their accrued, unused PSST unless there is clear evidence that shows that an app-based worker is not using PSST for an authorized purpose.

One situation in which a network company is legally allowed to withhold compensation for an app-based worker's use of PSST is when the app-based worker performed one or more orders during the requested day(s) of PSST. Under this situation, the network company must send the app-based worker a notification of determination of withholding the PSST compensation along with a record of the app-based worker's performed offer(s) during their requested PSST days.

## I. Network company notice and policy requirements

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**1. What are the notice requirements of the PSST ordinance?**

Network companies are required to provide app-based 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 network company's policy and procedure to meet the requirements of the law. (See the content under question I.2 for details.)

## **2. What other information must network companies provide app-based workers?**

Network companies must provide each app-based worker a written policy and procedure that describes how the network company is meeting the requirements of the PSST ordinance. The policy should cover the following provisions:

- a. The app-based worker's right to paid sick and paid safe time under this law;
- b. Whether the network company 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 network company will use to provide app-based workers with the regular written notifications containing information on their current rate of average daily compensation for use of PSST, and an updated amount of accrued, reduced, and available paid sick and paid safe time;
- e. Prohibitions against retaliation;
- f. Clear instructions and procedures of the accessible system, including information on where an app-based worker can access the accessible system and how to navigate the system including, but not limited to, easy-to-follow steps to request their paid sick and safe time;
- g. Procedure regarding when and how the network company determines the use of PSST is not authorized, how an app-based worker can contest the determination, and the network company's expected response time to an app-based worker's contestation; and
- h. If applicable, an explanation of:
  - i. Any verification requirements for using PSST for more than three consecutive days;
  - ii. Shared PSST program in which an app-based worker may choose to donate PSST to a co-worker; and
  - iii. Policy related to frontloaded PSST.

Network companies must also use the accessible system to provide monthly PSST information such as average daily compensation and its calculation. The accessible system may also be used to provide PSST balance, see Section D Accruing PSST for more information.

## **3. When must a network company provide the Notice of Rights to app-based workers?**

Network companies must provide the Notice of Rights in the following timeframe:

- a. Food delivery network companies covered by the temporary Gig Worker PSST—May 30, 2023.
- b. New app-based workers hired after May 1, 2023—provide notice before their start date.
- c. All workers—provide the Notice of Rights no less than annually.
- d. For a new app-based worker who has not begun a period of engaged time for a six-month period, the network company must provide the worker with the Notice of Rights prior to them starting a period of engaged time.

## **4. How should network companies provide the required Notice of Rights and notice of policy and procedures to app-based workers?**

Network companies must provide the Notice of Rights and the notice of their policy and procedure in the accessible system via cellphone application or online web portal. The notices must be provided in English and in the primary language of the app-based worker, if the network company has reason to know the app-based worker's primary language is not English, whether OLS has created a Notice of Rights in this language.

No less than annually, the network company must affirmatively provide the app-based worker with the Notice of Rights. For a new app-based worker or an app-based worker who has not worked for the platform for six months, the network company must affirmatively provide the app-based worker with the Notice of Rights before the app-based worker begins a period of engaged time. The network company must provide the Notice of Rights via email and in one of the following two formats: text message or via a message in the accessible system. The manner of distribution must be the same manner that communications are typically sent from the network company to the app-based worker.

**5. Has OLS issued a Model Notice of Rights for this ordinance? Are network companies required to use OLS' Model Notice of Rights?**

Yes and yes. OLS has published a model Notice of Rights in languages of English, Chinese, Spanish, Vietnamese, Somali, Amharic, Korean, Tagalog, Tigrinya, Oromo, Japanese, and Russian. The network company must make the model Notice of Rights available in all such languages to all app-based workers on the worker platform. You can find our Notice of Rights [here](#).

## J. Network company Records

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**1. What are the network company record-keeping requirements for PSST?**

Network companies are required to retain records that show compliance with the law for three years. Network companies 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;
- A verification of sexual assault allegation(s) where the app-based worker is the alleged perpetrator.
- Evidence used to determine that an app-based worker uses paid sick and safe time for a reason not authorized in this law, in addition to records of all communications when the app-based worker contests the determination; and,
- Other records that are material and necessary to effectuate the terms of this ordinance, pursuant to Director rules.

**2. If a network company is under investigation but does not provide records, how will OLS determine the amount of compensation owed to the app-based worker?**

If the precise amount of unpaid compensation cannot be determined due to a network company's failure to produce records, or if a network company produces records in a manner that makes timely determination of the amount of unpaid compensation impracticable, OLS may:

- Determine unpaid compensation as a matter of just and reasonable inference, including the use of representative evidence such as testimony or other evidence from representative app-based workers or other aggrieved parties establishing violations for a class of app-based workers or aggrieved parties; or
- Assess a daily amount for unpaid compensation in a minimum amount of \$160.22 per accrued day of paid sick and paid safe time owed to the aggrieved party, where a minimum amount of \$160.22 may be assessed in place of the average daily compensation owed for each day.

## K. Prohibition on retaliation

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

Yes. Retaliation is illegal. Network companies and all others are prohibited from taking adverse action or discriminating against app-based workers who assert their rights to PSST in good faith. These rights include, but are not limited to:

- Using or asking to use PSST;
- Informing a network company, union or legal counsel about alleged PSST violations;
- Filing a complaint about alleged PSST violations;

- Participating in an investigation of alleged PSST violations; or
- Informing other app-based workers of their PSST rights.

**2. Can network companies discipline app-based workers who violate policies related to PSST?**

Yes. Network companies 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 PSST rights. A best practice for network companies is to fully document any discipline.

If a network company demonstrates that an app-based worker used PSST for an unauthorized purpose, the network company may withhold payment for the PSST used. A network company may not deduct those day(s) from an app-based worker's accrued, unused App-based worker PSST or restrict the app-based worker's future use of App-based worker PSST. If a network company withholds payment for the unauthorized use of App-based worker PSST, the network company must provide written notification to the app-based worker and allow the app-based worker to contest the decision. A network company may not take any other adverse action against the app-based worker.