

## **SICK LEAVE**

### **I. Paid Sick Leave for Certificated and Classified Employees**

The District will grant each certificated and classified employee sick leave annually in accordance with RCW 28A.400.300 and applicable collective bargaining agreements.

Unused sick leave may be accumulated from year-to-year up to a maximum of 180 days for purposes of RCW 28A.400.210 and RCW 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year.

The District may require a signed statement from a healthcare provider for any absence in excess of five consecutive days. Pursuant to WAC 296-128-660, if the District requires such verification from a nonexempt employee and the employee believes obtaining verification would result in an unreasonable burden or expense, the employee may contact the Human Resources Department orally or in writing. A nonexempt employee must provide verification to the District within 10 calendar days of the first day he/she used paid sick leave to care for himself/herself or a family member.

Use of accrued paid sick leave will be concurrent with any unpaid leave to which the employee is entitled under the federal Family Medical Leave Act (FMLA), in accordance with Policy 5404. If paid sick leave benefits and any personal or vacation leave are exhausted, the Board may grant leave without pay for a given period of time, such as the balance of the year, upon the recommendation of the superintendent/designee, in accordance with policies 5320 and 5321.

### **II. Attendance Incentive Program for Certificated and Classified Employees**

In January of the year following any year in which a minimum of 60 days of sick leave is accrued, and each January thereafter, any eligible employee may exercise an option either:

- A. To receive remuneration for unused sick leave accumulated in the previous year in an amount equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of 60 days; or
- B. To add that year's accrued sick leave to the employee's accumulated sick leave.

All such leave for which the employee receives compensation will be deducted from accumulated sick leave at the rate of four days for every one day's monetary compensation for every four days of accrued sick leave.

An employee may cash out all accrued sick leave at the above rate at the time of an eligible separation from employment, as set forth in RCW 28A.400.210 and Chapter 392-136 WAC. Pursuant to WAC 392-136-020, an employee seeking compensation for unused sick leave by

virtue of retirement must submit application for cash out within 60 calendar days from his/her termination date.

The administrator of the estate of a deceased employee may also cash out all accumulated sick leave at the rate of one day's monetary compensation for every four days of leave. A certified copy of the death certificate and proper documentation of court appointment as administrator of the estate must be submitted to the District office.

If an employee is rehired by the District into a nonexempt position within 12 months after separation of employment, the District will reinstate the employee's prior accrued, unused sick leave in accordance with RCW 49.46.210(1)(k) and WAC 296-128-690.

### **III. Additional Paid Sick Leave Provisions**

#### **A. Nonexempt Employees**

Nonexempt employees are covered by the paid sick leave provisions of RCW 49.46.210 and Chapter 296-128 WAC beginning January 1, 2018. Such employees include regular hourly employees of the District, as well as substitute employees who do not meet any exemption from Chapter 49.46 RCW. Regular hourly employees are also covered by the sick leave provisions of RCW 28A.400.300, discussed above in Section I.

In general, the sick leave benefits provided under RCW 28A.400.300 are more generous than those required by RCW 49.46.210 and Chapter 296-128 WAC. However, below are some of the rights to which nonexempt employees are entitled under RCW 49.46.210 and Chapter 296-128 WAC:

1. Nonexempt employees must accrue at least one hour of paid sick leave for every 40 hours worked. This minimum applies to all hours worked, regardless of whether the hours are worked in different assignments or included in the employee's base pay for a regular assignment.
2. Nonexempt employees are entitled to use their accrued paid sick leave beginning on the 90th calendar day after the commencement of their employment. "Commencement of employment" means no later than the beginning of the period of the first day on which the employee is authorized or required by the District to be on duty on the District's premises or at a prescribed workplace. After this 90-day period, accrued paid sick leave will be available for an employee's use not more than one month after the date of accrual. If a nonexempt employee previously met the 90-day waiting period required to use accrued paid sick leave, he/she will not be required to wait another 90 days to use accrued sick leave. If a nonexempt employee did not previously meet the 90-day requirement, the previous period of time the employee worked for the District will count toward the 90 days for purposes of determining his/her eligibility to use paid sick leave.

3. Nonexempt employees may use paid sick leave to care for themselves or their family members, when the employees' workplace or children's school or place of care has been closed by a public official for any health-related reason, or for absences that qualify for leave under the Domestic Violence Leave Act.
4. Nonexempt employees must be permitted to carry over at least 40 hours of paid sick leave from year to year. The work year for purposes of this provision commences on September 1 and ends on August 31.
5. Nonexempt employees will be paid their "normal hourly compensation" for each hour of paid sick leave used, meaning the hourly rate that an employee would have earned for the time during which the employee used paid sick leave. This amount does not include holiday pay or other premium rates, unless required by a collective bargaining agreement. For nonexempt employees who use paid sick leave for hours that would have been overtime if worked, the District is not required to apply overtime standards to an employee's normal hourly compensation, unless required by a collective bargaining agreement.
6. The District will pay sick leave used by a nonexempt employee not later than the payday for the pay period in which the paid sick leave was used by the employee, or, if verification was required, not later than the payday for the pay period during which verification was provided to the District.
7. At least once per month, the District will provide notice to its nonexempt employees of the amount of paid sick leave accrued since notice was last made, the amount of paid sick leave reductions since the last notice, and the total amount of unused paid sick leave available for use by the employee. The District may provide this notification on regular payroll statements.
8. Retaliation against a nonexempt employee for lawful exercise of paid sick leave rights is prohibited.

At the start of employment, the District will provide new, nonexempt employees with notice of their paid sick leave rights. This notice will include information regarding an employee's entitlement to paid sick leave, the rate at which the employee will accrue paid sick leave, the authorized purposes under which the employee may use paid sick leave, and the prohibition on retaliation for lawful use of paid sick leave and exercise of other rights provided under the Washington Minimum Wage Act. The District will make this information readily available to all nonexempt employees.

#### **B. Reasonable Notice for the Use of Paid Sick Leave**

Nonexempt employees must provide reasonable advance notice of an absence from work for the use of paid sick leave to care for themselves or a family member. Reasonable notice should be provided to the employee's building administrator or department director. Any information

provided will be kept confidential consistent with applicable privacy and public records laws. If a nonexempt employee's absence is foreseeable, the employee must provide notice to his/her building administrator or department director at least 10 days, or as early as possible, before the first day paid sick leave is used. If a nonexempt employee's absence is unforeseeable, the employee must contact his/her building administrator or department director as soon as possible.

A nonexempt employee must give advance oral or written notice to his/her building administrator or department director as soon as possible for the foreseeable use of paid sick leave to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking. If a nonexempt employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking, the employee or a designee must give oral or written notice to their building administrator or department director no later than the end of the first day on which the employee takes such leave.

This provision will not apply to the extent it conflicts with the provisions of any collective bargaining agreement.

### **C. Substitute Employees**

Nonexempt substitute employees will accrue leave at the rate of one hour of leave for every 40 hours worked for the District commencing on their first day of employment that occurs on or after January 1, 2018. However, day-to-day substitutes are not entitled to use accrued leave except as set forth below.

Unless notified otherwise by the District in writing, substitute employees commence employment with each daily assignment, are not required by the District to attend work on any subsequent work days, and do not have any expectation of future employment. Such employees are not eligible to utilize accrued sick leave in lieu of accepting a day-to-day substitute assignment or to utilize a partial day of leave after accepting an assignment.

Substitute employees hired into a regular position or granted a written assignment as a leave replacement employee for a specified time period exceeding a day-to-day assignment are eligible to utilize leave on the 90th calendar day following the employee's first day of employment as a substitute, or on such earlier date as leave may be available under a collective bargaining agreement.

A substitute who is hired into a regular position will be eligible upon such hire to receive the amount of leave available under the applicable collective bargaining agreement and Section I of this Policy, or to receive the minimum amount to which the employee is entitled under this Section III, whichever amount is greater. Such employee will not receive both amounts cumulatively.

Sick leave accumulated by substitute employees is not available for cash out when accrued solely under this Section III.

Cross References: 5320 – Leaves of Absence (Non-Administrative)  
5321 – Unpaid Leave – Employees (Non-Administrative)  
5404 – Family and Medical Leave  
5406 – Leave Sharing

Legal References: RCW 49.46.200 Paid sick leave  
RCW 49.46.210 Paid sick leave—Authorized purposes—  
Limitations— “Family member” defined  
Chapter 296-128 WAC Minimum Wages  
RCW 28A.400.210 Employee attendance incentive program—  
Remuneration or benefit plan for unused sick leave  
RCW 28A.400.300 Hiring and discharging of employees—  
Written leave policies—Seniority and leave benefits, of  
employees transferring between school districts and other  
educational employers  
Chapter 392-136 WAC Finance—Conversion of Accumulated  
Sick Leave  
AGO 1964 No. 98 Sick leave for certificated and noncertificated  
employees  
AGO 1980 No. 22 Limitation on compensated leave for school  
district employees

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