

SICK LEAVE

I. Paid Sick Leave for Certificated and Classified Staff Members

The district will grant each full-time, certificated and classified staff member of the district sick leave days annually in accordance with RCW 28A.400.300 and applicable collective bargaining agreements. Unused sick leave days may be accumulated from year-to-year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 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 staff member and the staff member believes obtaining verification would result in an unreasonable burden or expense, the staff member may contact Human Resources orally or in writing. Verification must be provided to the district within 10 calendar days of the first day a staff member used paid sick leave to care for themselves or a family member.

If sick leave benefits are exhausted, the superintendent's designee may grant leave without pay for the balance of the year.

II. Attendance Incentive:

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 staff member may exercise an option to receive remuneration for unused sick accumulated in the previous year in an amount equal to one day's monetary compensation of the staff member for each four full days of accrued sick leave in excess of 60 days; If this option is exercised, actual payment will be processed with the February payroll.

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

A staff member 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. The administrator of the estate of a deceased staff member 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/or proper documentation of court appointment as administrator of the estate must be submitted to the office.

III. Additional Paid Sick Leave Provisions

A. Nonexempt Staff Members (i.e. Outside Coaches, Substitutes and Temporary)

Nonexempt staff members are covered by the sick leave provisions of RCW 28A.400.300 and are also covered by the sick leave provisions of RCW 49.46.210 and Chapter 296-128 WAC beginning January 1, 2018.

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. Below, however, are some of the rights that nonexempt staff members are entitled to under RCW 49.46.210 and Chapter 296-128 WAC:

1. Nonexempt staff members must accrue at least one hour of paid sick leave for every forty hours worked.
2. Nonexempt staff members are entitled to use their accrued paid sick leave beginning on the ninetieth calendar day after the commencement of their employment.
3. Nonexempt staff members may use paid sick leave to care for themselves or their family members, when the staff members' 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 staff members must be permitted to carry over at least forty hours of paid sick leave.
5. Retaliation against a nonexempt staff member for lawful exercise of paid sick leave rights is prohibited.

B. Reasonable Notice for the Use of Paid Sick Leave

Nonexempt staff members in a long-term assignment 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. The staff member must provide such reasonable notice to their immediate supervisor or other person designated to receive notice. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to their immediate supervisor at least 10 days, or as early as possible, before the first day paid sick leave is used. If a nonexempt staff member's absence is unforeseeable, the staff member must contact their immediate supervisor as soon as possible.

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

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 — Re-
 munerated 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 transfer-

ring 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 non-certificated
employees

AGO 1980 No.22 Limitation on compensated leave for school dis-
trict employees

Cross References:

5406 - Leave Sharing

Adoption Date: September 20, 2006

Revised: December 20, 2017; May 16, 2018