

## **SICK, INJURY AND EMERGENCY LEAVE AND ATTENDANCE INCENTIVE**

---

### **A. SICK, INJURY AND EMERGENCY LEAVE**

In accordance with state laws and district policy, employees may be granted sick, injury and emergency leave pursuant to the following conditions:

1. The district shall annually grant certificated and classified employees sick, injury and emergency leave at a rate not to exceed twelve days per year in accordance with RCW 28A.400.300 and/or as per their applicable collective bargaining agreement.
2. Employees entering the employ of the district from another Washington school district, the Office of Superintendent of Public Instruction, the state community college system or offices of educational service districts in the State of Washington are entitled to transfer to this district such personal sick leave benefits as the employee may have accumulated in their former employment when such entitlement is certified by the previous employer.
3. Employees returning to employment in the district within twelve (12) months of separation will be entitled to reclaim personal sick leave benefits recorded to their credit at the time of their earlier termination.
4. Unused sick leave days may be accumulated from year to year up to a maximum of one hundred eighty (180) days to participate in the Employee Attendance Incentive program. For leave purposes, unused sick leave may be accumulated up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year.
5. Employees, in an active status, will be credited with the yearly allowable number of sick leave days in September of each year; provided that the yearly allowable number of leave days will be prorated for all leaves to participate in public service, miscellaneous leaves, and sabbatical leaves, or any one leave extending for twenty-one (21) days or more.
6. If employment is terminated during the fiscal year for other than health reasons, the sick leave days granted during the current year will be adjusted to those earned and the employee will be liable for return of pay for those days used but not earned. A person commencing employment during the fiscal year will be granted leave days on a pro rata basis.

7. Any sick leave, which is credited by the state as service toward retirement purposes, may not be compensated under the provisions of the Attendance Incentive Program.

**B. SICK LEAVE FOR NON-EXEMPT/VARIABLE HOUR STAFF**

1. Non-Exempt/Variable Hour Employees, not covered by the sick leave provisions of RCW 28A.400.300 or not otherwise provided sick leave through an applicable collective bargaining agreement, are covered by the sick leave provisions of RCW 49.46.210 beginning January 1, 2018, and will accrue sick leave at a rate of one (1) hour for every 40 hours worked.
2. Non-Exempt/Variable Hour Employee sick leave accrual is calculated monthly on a fiscal year basis beginning September 1<sup>st</sup> and running through August 31<sup>st</sup>. Unused accrued sick leave balances of 40 hours or less will carry over to the following fiscal year for Non-Exempt/Variable Hour Employees. Amounts in excess of 40 hours will be forfeited at the beginning of the new fiscal year.
3. Non-Exempt/Variable Hour Employees are entitled to use their accrued paid sick leave beginning on the 90<sup>th</sup> calendar day after the commencement of their employment for an absence on a day for which they are required to work. Casual Substitute assignments are not considered days in which a substitute is required to work as they may be scheduled and cancelled by the substitute. Therefore, Casual Substitute assignments are not eligible for use of paid sick leave.
4. Non-Exempt/Variable Hour Employees may use paid sick leave to care for themselves or their family members, when the employee's 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.
5. Non-Exempt/Variable Hour Employees must provide reasonable advance notice to their supervisor of an absence for the use of paid sick leave to care for himself or herself or a family member. If the absence is foreseeable notice must be provided at least ten (10) days in advance before the first day of paid sick leave is used. If the absence is unforeseeable, the non-exempt employee must contact their supervisor at least one (1) hour prior to the required start time or as soon as feasibly possible. In the event it is not possible for the employee to provide notice for himself or herself, another person, on the employee's behalf, may provide notice.
6. Non-Exempt/Variable Employees will forfeit all unused sick leave upon separation. However, Non-Exempt/Variable Employees having separated from and returning to employment in the district, within twelve (12) months of separation, will be entitled to reclaim personal sick leave benefits recorded to their credit at the time of their earlier separation.
7. Non-Exempt/Variable Employees returning from separation within twelve (12) months are entitled to use their accrued sick leave upon rehire as long as the original 90 days of employment were previously completed prior to the separation. If the

original 90 days of employment were not completed, time previously worked will be counted toward the 90 day requirement.

**C. SICK, INJURY AND EMERGENCY LEAVE CONDITIONS**

1. Sick leave is defined as days of absence from duty because of personal sickness or injury and for which no deduction is made in the regular compensation of the employee, provided the employee has compensated leave balance.
2. Sick leave may also be utilized for absences that qualify for leave under RCW 49.76 Domestic Violence Leave as define within Policy 5403, Discretionary Leaves.
3. A doctor's statement attesting to the illness or injury may be required by the Human Services Department.
4. Notification of sick leave must be provided by entering the sick leave into the online Absence Management system.
5. All employees are responsible for monitoring their own sick leave balances. Sick leave balances, including usage and adjustments, are included each month on the employee's direct deposit remittance. Additionally, current sick leave balances and activity are available for review via the online Absence Management system.
6. In the event that an employee qualified for sick and injury leave, but has exhausted all sick leave accruals, the employee may be authorized to utilize other accruals (vacation, annual leave or other accrued time). The employee may also be eligible for a medical leave under FMLA or other leaves available under their collective bargaining agreement. In order to utilize other leave options, the employee shall request the appropriate leave in writing prior to the absence, and provide an acceptable Medical Certificate supporting the absence.
7. If the employee has exhausted all accumulated leave banks and the absence is not pre-approved under another qualifying leave policy the absence shall be recorded as "unauthorized Leave Without Pay" and may be subject to disciplinary action.
8. An employee absent because of sick, injury or emergency leave may not serve in other forms of gainful employment beyond the gainful employment that had been a regular part of the employee's work week prior to the sick, injury and emergency absence. To do so may constitute a breach of contract.

**D. SICK LEAVE FOR A FAMILY MEMBER**

An employee shall be allowed to use accrued sick leave to care for immediate family members with a health condition that requires treatment or supervision. Unless otherwise defined within a collective bargaining agreement, immediate family is defined as parent, parent-in-law, grandparent, spouse/domestic partner, sibling, child, grandchild or a person living in the same household as the employee.

**E. CERTIFICATED/CLASSIFIED ATTENDANCE INCENTIVE**

1. 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 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 staff member for each four full days of accrued sick leave in excess of 60 days; or
  - b. To add that year's sick leave to the staff member's accumulated sick leave.
2. All such leave for which the staff member receives compensation shall be deducted from accumulated sick leave at the rate of four days for every one-day's monetary compensation.
3. A staff member may cash-out all accrued sick leave at the above rate at the time of separation due to retirement, provided that the retiree provides documentation from the appropriate state retirement system. Such leave shall be accrued at the rate of no more than one day per month.
4. The administrator of the estate of a deceased staff member may also cash-out accumulated sick leave at the rate of one day's monetary compensation for every four (4) days of leave. A certified copy of the death certificate must be submitted to the district office and proper documentation of court appointment as administrator of the estate.
5. An employee who is at least age fifty-five (55), has ten (10) years of service in the retirement system and is a member of either the teachers' or school employees' retirement system plan 3, or is at least age fifty-five (55), has at least fifteen (15) years of service in the retirement system and is a member of either the teachers' or school employees' retirement system plan 2 may cash-out all accumulated sick leave at the rate of one day's monetary compensation for every four (4) days of leave at the time of separation from employment.
6. Earned sick leave shall not be accumulated in excess of 180 days as of December 31 of each year, except that an employee may exercise the annual January cash-out option for all days accumulated in excess of this maximum.

**F. RETALIATION PROHIBITED**

Retaliation or discrimination against an employee for the lawful exercise of paid sick leave rights is prohibited and may be subject to disciplinary action. Disciplinary action issued as a result of unauthorized leave without pay is not considered retaliation against an employee.

Sick, Injury and Emergency Leave and Attendance Incentive  
Policy 5401

|                         |   |   |
|-------------------------|---|---|
| <b>Cross Reference:</b> | Policy 5403<br>Policy 5404<br>Policy 5406 | Discretionary Leave<br>Family Medical Leave<br>Leave Sharing  |
| <b>Legal Reference:</b> | RCW 28A.400.210                           | Employee Attendance Incentive Program –<br>Remuneration for Unused Sick Leave   |
|                         | RCW 28A.400.300                           | Hiring and Discharging Employees – Leaves<br>for Employees – Seniority and Leave<br>Benefits, Retention upon Transfers Between<br>Schools |
|                         | RCW 49.46.210                             | Paid Sick Leave   |
|                         | RCW 49.12.270                             | Sick Leave, Time Off – Care of Family<br>Members  |
|                         | Chapter 392-136 WAC                       | Conversion of Accumulated Sick Leave  |
|                         | AGO 1963-64 No. 98                        | Sick Leave for Certificated and<br>Noncertificated Employees  |
|                         | AGO 1980 No. 22                           | Limitation on Compensated Leave for<br>School District Employees  |
| <b>Adopted:</b>         | August 20, 2012                           |   |
| <b>Revised:</b>         | February 26, 2018                         |   |