

SICK LEAVE

I. Paid Sick Leave for Certificated and Classified Staff Members

The district will grant each regular, 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 may be accumulated on a year-to-year basis up to a maximum of one hundred eighty days for the purpose 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 health care 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 staff member and the staff member believes obtaining verification would result in an unreasonable burden or expense, the staff member may contact the Human Resources Administrator orally or in writing. Verification must be provided to the district within 10 calendar days of the first day a nonexempt staff member used paid sick leave to care for themselves or a family member.

If sick leave benefits are exhausted, the Board may grant leave without pay for the balance of the year upon the recommendation of the superintendent/designee.

II. Attendance Incentive Program for Certificated and Classified Staff Members

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 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.

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 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 proper documentation of court appointment as administrator of the estate must be submitted to the district office.

III. Additional Paid Sick Leave Provisions

The purpose of this section III of this Policy is to implement the requirements of Chapter 49.46 RCW and Initiative 1433 related to paid sick leave. The provisions in this Section are not intended to be cumulative with any paid sick leave available under Section I, above, and apply only to those employees who meet the definition of “employee” in RCW 49.46.010 (“Nonexempt Employees”).

A. Exempt Employees

The following are considered exempt from this Section III:

1. Regular certificated employees, including during their work in any supplemental assignments or stipends. Such staff are entitled to paid sick leave under Chapter 28A.400 RCW and applicable collective bargaining agreements, but not under the paid sick leave provisions of Chapter 49.46 RCW.
2. Salaried professional, administrative, and executive employees as those terms are defined by applicable laws.
3. Volunteers or employees receiving stipends for extracurricular or co-curricular assignments. These individuals are paid a single stipend for their assignment regardless of the number of hours worked, do not accrue or utilize sick leave in their extracurricular assignments, and are exempt under RCW 49.46.010. The district does not subtract pay from these stipends due to occasional absences from activities taken by these individuals due to illness or emergency.
4. Any other volunteer or salaried employee of the district meeting an exemption from Chapter 49.46 RCW.

B. Nonexempt Employees

Nonexempt employees are covered by the sick leave provisions of RCW 49.46.210 and Chapter 296-128 WAC beginning January 1, 2018. These 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.

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 employees are entitled to 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 forty 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 ninetieth calendar day after the commencement of their employment. "Commencement of employment" means no later than the beginning 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.
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 forty 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. Retaliation against a nonexempt employee for lawful exercise of paid sick leave rights is prohibited.

C. 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. Such reasonable notice must be provided to the immediate supervisor or other person designated to receive notice. If a nonexempt employee's absence is foreseeable, the employee 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 employee's absence is unforeseeable, the employee must contact their immediate supervisor as soon as possible.

A nonexempt employee must give advance oral or written notice to the immediate supervisor 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 the immediate supervisor no later than the end of the first day that the employee takes such leave.

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

D. Frontloaded Paid Sick Leave

In order to meet the notice requirements of WAC 296-128-760(2)(b), the District will provide employees with monthly payroll statements designating the amount of sick leave balance that has been frontloaded and/or carried over from previous years, as well as the number of hours worked in each pay period. Employees with questions related to their payroll statements and sick leave balances may contact the Human Resources Department.

Front-loaded amounts provided under Section I will generally exceed the minimum accrual amount of one hour for every forty hours worked. However, if for any reason a nonexempt employee's frontloaded paid sick leave provided under a CBA or employment contract is less than this minimum amount, the district will make any additional amounts of paid sick leave available for the employee's use no later than 30 days after the discrepancy is identified.

If a nonexempt employee uses more paid sick leave than the employee would have accrued absent frontloading, the district will not seek reimbursement from the employee for the paid sick leave used during the course of ongoing employment. The district will not make an adjustment to an employee's final wages for frontloaded paid sick leave used prior to accrual, unless there is a specific agreement in place allowing for such a deduction.

E. Substitute Employees

Non-exempt substitute employees shall 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 / 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 employees shall 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:	Policy 5406	Leave Sharing
Legal References:	RCW 49.46.200	Paid Sick Leave
	RCW 28A.400.210	Paid Sick Leave-Authorized purposes- Limitations-“Family member” defined Minimum Wages
	WAC Chapter 296- 128	Employee attendance incentive program- Remuneration or benefit plan for unused sick leave
	RCW 28A.400.210	
	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
	WAC 392-136	Finance -- Conversion of Accumulated Sick Leave
	AGO 1964 No.98	Sick leave for certificated and non-certificated employees
	AGO 1980 No. 22	Limitations on compensated leave for school district employees

Management Resources: Policy & Legal News December 2017 Issue

Revised: February 22, 2018

Revised: September 25, 2014

Revised: July 19, 2007

5000 Series Adopted June 10, 1999

North Kitsap School District