

## SICK LEAVE

### **Paid Sick Leave for Certificated and Classified Staff Members**

The district will grant each 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, not greater than one year.

The district may require a signed statement from a physician 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 their supervisor 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.

### **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:

- (1) 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
- (2) 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 shall 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 28A400.210 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.

### **Additional Paid Sick Leave Provisions**

#### **A. Nonexempt Staff Members**

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**

Staff members 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. Please provide such reasonable notice to supervisor. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to supervisor at least 10 days, or as early as possible, before the first day paid sick leave is used. If a staff member's absence is unforeseeable, the staff member must contact supervisor and AESOP coordinator as soon as possible.

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

C. Frontloaded Paid Sick Leave

The district will provide eligible staff members with a notification of frontloaded paid sick leave. This notification will provide details of the amount of paid sick leave hours that will be placed into a nonexempt staff member’s paid sick leave bank at the start of their employment. It will include the calculations used to determine the frontloaded hours, the paid sick leave accrual year, and a staff member’s eligibility details. Unused frontloaded paid sick leave balances of 40 hours or less will carry over to the following year.

The district will make written or electronic notification to a nonexempt staff member for each paid sick leave frontloading period, providing the amount of paid sick leave frontloaded, the calculation used to determine the amount of paid sick leave, and any adjustments based on additional accrued hours. If a nonexempt staff member’s frontloaded paid sick leave is less than the amount that they were entitled to accrue, the district will make any additional amounts of paid sick leave available for the staff members use no later than 30 days after the discrepancy is identified.

If a staff member uses more paid sick leave than the staff member would have accrued absent frontloading, the district will not seek reimbursement from the staff member for the paid sick leave used.

Cross References:                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 for unused sick leave
- RCW 28A.400.300        Hiring and discharging employees-Leaves for employees-- Seniority and leave benefits, retention upon transfers between schools
- Ch. 392-136 WAC        Conversion of Accumulated Sick Leave
  
- AGO 1963-64 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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