



TO: BOARD OF DIRECTORS

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: Second Reading Policy 5401 Sick Leave

DATE: March 1, 2022

This is the second reading of the updated Personnel Policy 5401 Sick Leave. Updates reflect changes recommended by Washington State School Directors Association. It is identified as an essential policy by the Washington State School Directors Association.

## SICK LEAVE

### I. Paid Sick Leave for Certificated and Classified Staff Members

The district shall 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.** ~~twelve (12) sick leave days annually. Unused sick leave may be accumulated on a year-to-year basis up to a maximum of the number of contract days in a contract period, not to exceed one year.~~

**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 **health care provider 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 the Executive Director of Human Resources 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 up on 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 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 28.400.210 and Chapter 392-136 WAC** ~~due to retirement, provided that the retiree provides documentation from the appropriate state retirement system.~~

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

~~An employee who is at least age fifty five, has ten 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, has at least fifteen 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 days of leave at the time of separation from employment.~~

~~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.~~

### III. Additional Paid Sick Leave Provisions

#### A. Nonexempt Staff Members

**Nonexempt staff members who are not afforded paid sick leave under a collective bargaining agreement or other agreement 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 non-exempt 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 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. Staff shall provide such reasonable notice to the staff member's supervisor. Any information provided will be kept confidential. If a non-exempt staff member's absence is foreseeable, the staff member must provide notice to the staff member's 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 the staff member's supervisor as soon as possible.

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

Legal References:	<u>Cross Reference</u>	<u>Policy 5406 Leave Sharing</u>
	<u>RCW 49.46.200</u>	<u>Paid Sick Leave</u>
	<u>RCW 49.46.210</u>	<u>Paid sick leave—Authorized purposes—</u>
	<u>Chapter 296-128 WAC</u>	<u>Limitations—"Family member" defined</u>
	RCW 28A.400.210	<u>Minimum Wages</u>
	RCW 28A.400.300	Employee attendance incentive program — Remuneration <b>or benefit plan</b> for unused sick leave Hiring and discharging employees — <b>Written Leave</b> <b>Policies Leaves for employees</b> — Seniority and leave benefits, <b>of employees transferring retention upon</b> <b>transfers</b> between schools <b>districts and other</b> <b>educational employers</b>
	Chapter 392-136 WAC	<u>Finance--Conversion of Accumulated Sick Leave</u>
	AGO 1963-64 No.98	Sick leave for certificated and noncertificated employees

AGO 1980 No.22

Limitation on compensated leave for school district  
employees

**Adoption Date: 6.17.03**  
**Revised date:**  
**Stanwood-Camano School District**