

## **Sick Leave**

The Board of Directors will provide all employees paid sick leave as required by law.

### **General Provisions**

Full-time regular and variable employees shall be allowed twelve (12) days of sick leave each fiscal year. Part-time regular and variable employees shall be allowed sick leave prorated on the basis of hours and months worked. Temporary and substitute employees shall be allowed one (1) hour of sick leave for every forty (40) hours worked, each fiscal year.

Payment will be made for employees who have sick leave and are absent from work for reasons that employees are entitled to use sick leave for.

Sick leave may not be used for or to extend vacation or holidays.

### **Accumulated Leave**

Sick leave not taken by regular or variable employees shall accumulate from fiscal year to fiscal year up to a maximum of the number of contract days agreed to in a given contract for certificated employees and up to 260 days for noncertificated employees. RCW 28A.310.240(1). Sick leave not taken by temporary or substitute employees shall accumulate from fiscal year to fiscal year up to a maximum of 40 hours.

Employees entering the employ of this ESD directly from another Washington school district, the office of the Washington Superintendent of Public Instruction, the state school for the blind, the school for the deaf, institutions of higher education, community and technical colleges, or another Washington educational service district, are entitled to transfer such sick leave benefits as the employee may have accumulated in that former employment.

Employees entering the employ of this ESD with a break in service from another Washington school district, the office of the Washington Superintendent of Public Instruction, the state school for the blind, the school for the deaf, institutions of higher education, community and technical colleges, or another Washington educational service district, are entitled to transfer fifty percent (50%) of such sick leave benefits as the employee may have accumulated in that former employment, up to a maximum of three hundred and fifty (350) hours, when such accumulation is certified by that former employer. RCW 28A. 310.240(1)

As provided in RCW 28A.310.240(2), the ESD shall restore credit for sick leave, which was not used at termination, to any former regular or variable employee who is reemployed by the ESD within ten years from the date of separation, provided the employee works for twelve (12) consecutive months after being reemployed. The ESD will restore credit for up to forty (40) hours of sick leave for any former temporary or substitute employee who is reemployed by the ESD within twelve months of the date the former temporary or substitute employee's employment terminated.

**Reasonable Notice**

Employees must provide reasonable advance notice of an absence from work for the use of paid sick leave for a foreseeable qualifying condition. Employees must notify their immediate supervisor at least ten days, or as early as possible, before the first day paid sick leave is used. If the absence is unforeseeable, the employee must notify their immediate supervisor, or have another person notify their immediate supervisor, as soon as possible. Supervisors will notify the Human Resources Department and, where appropriate, Cabinet Members. Confidential information shared with immediate supervisors, Human Resources or Cabinet Members will be protected in accordance with federal and state law.

Employees who use sick leave for any portion of five (5) consecutive working days must provide verification of the qualifying condition, provided that such verification shall not impose an unreasonable burden on the employee.

**Sick Leave Accrual – Frontloading**

For regular employees who sign an agreement authorizing the ESD to withhold the value of sick leave that is used prior to the employee working sufficient hours to earn it, twelve (12) days (prorated for part-time) of sick leave will be frontloaded and made available to the employees in September, when they return from approved leave, or when employment begins. Frontloaded sick leave will be prorated to ensure an employee does not receive more frontloaded leave than they would have received if they accrued the leave monthly. If an employee received frontloaded sick leave and used more sick leave than they would have been able to use if sick leave had not been frontloaded, sick leave on September 1 of the following year will be prorated to capture the overused sick leave. Employment begins for purposes of sick leave when an employee has worked at least twelve (12) continuous days.

Employees who do not sign an agreement, or who do not have a sick leave balance on August 31, are not eligible for frontloaded sick leave. If an employee signs an agreement and is otherwise not eligible for frontloaded sick leave, the Superintendent may authorize frontloaded sick leave when the failure to frontload sick leave will create an undue hardship on the employee and when it is not likely the ESD will have to adjust the employee's frontloaded sick leave in the future or deduct the value of prematurely used sick leave from the employee's final wages.

For variable, temporary and substitute employees, sick leave will be granted and accrued as eligible hours are worked.

New employees will be granted sick leave on the first month of employment.

Should an employee who received frontloaded sick leave use more sick leave than entitled to, the value of sick leave used prematurely will be recaptured through

1. an adjustment to future frontloaded or accrued sick leave;
2. an adjustment to the vacation leave the employee has accrued or will be accruing; and/or
3. a deduction from final pay.

**Attendance Incentive - Annual Conversion of Accumulated Sick Leave**

In order to encourage regular employee attendance, an employee attendance incentive program will be established.

As of January 1, any current regular or variable employee who, at the end of the immediately previous calendar year, has accumulated in excess of 60 days of unused sick leave may elect to receive remuneration for unused sick leave earned the previous year at the rate of 25 percent of the employee's current hourly rate of compensation for each hour of eligible sick leave. RCW 28A.310.490

Any such election shall be made by written notice to the Payroll Department during the month of January.

All sick leave hours converted pursuant to this section shall be deducted from the employee's accumulated sick leave balance.

Any such annual conversion of accumulated sick leave shall be subject to the terms and limitations of chapter 392-136 WAC and RCW 28A.310.490.

### **Conversion of Sick Leave upon Retirement or Death**

Any employee who retires, or is eligible to retire, may elect to convert all accumulated unused sick leave hours to monetary compensation at the rate of 25 percent of the employee's hourly rate of compensation at the time of termination from employment for each hour of eligible sick leave. If an employee is immediately commencing receipt of retirement benefits, sick leave conversion shall occur at the time of termination from employment. An employee who is not retiring when they terminate employment, who is eligible for retirement, may elect to convert all accumulated sick leave at the rate of 25 percent of their hourly wage at time of termination, within ten years of the date their employment was terminated or the date they are 65 years of age, whichever occurs sooner.

At the time of separation from ESD due to death, an eligible employee's estate shall receive remuneration at the rate of 25 percent of the employee's hourly rate of compensation at the time of death for each hour of unused sick leave. RCW 28A.310.490.

Any such conversion of sick leave upon retirement or death shall be subject to the terms and limitations of WAC 392-136 and RCW 28A.310.490.

#### *Legal References:*

*RCW 28A.310.200 ESD board—Powers and duties—Rules.*

*RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.*

*RCW 28A.310.240 Employee leave policy required.*

*WAC 392-136 Finance – Conversion of accumulated sick leave.*

*WAC 296-128-600 Minimum Wages, Paid Sick Leave Care.*

*AGO 1964 No.98 Sick leave for certificated and noncertificated employees.*

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Revised Dates: **2-21-80; 1-22-81; 1-24-84; 2-26-85; 3-29-88; 2-20-90; 3-26-91; 2-23-93; 9-26-95; 12-14-01; 1-28-03; 2-22-05; 9-28-10; 2-24-14; 10-28-14; 4-28-15; 1-1-17; 2-21-17; 2-27-18; 3-24-20; 3-28-23; 9-23-24**

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