

**SICK LEAVE**

The Richland School District will grant each regular full-time staff member annual sick leave as designated in the applicable collective bargaining agreement, if any, or in the absence of a collective bargaining agreement, as specified in this policy. Sick leave will also be granted to each part-time employee on a pro rata basis on 12 days per year for a 12 month employee. Unused sick leave days may be accumulated from year-to-year basis up to the maximum of contract/work days in an employee's current scheduled work year, and applicable current state law. In the event a conflict between the sick leave accumulations provisions of a negotiated agreement or employee contract and current state law, current state law takes precedence and will be applied.

If sick leave benefits are exhausted, leave without pay may be granted on a case by case basis, for a maximum of two years when recommended by the superintendent or designee.

An employee's accumulated sick leave shall transfer with the employee if the employee transfers from the Richland School District to: another school district in the state; the Office of the Superintendent of Public Instruction; or an educational service district in this state. It shall be the departing employee's responsibility to arrange, through the receiving employer, for processing of leave transfer.

An employee transferring into the Richland School District from another eligible employer in the state can have his/her sick leave transferred. To do so, the new employee must make the leave transfer request to the Personnel Department, Richland School District, within the first year of employment with the district.

**Additional Paid Sick Leave Provisions**

The purpose of the following provisions 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 the previous sections, above, and apply only to those employees who meet the definition of "employee" in RCW 49.46.010 ("Nonexempt Employees").

- **Exempt Employees**

The following employees are considered exempt from this section:

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.

- **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.

Non-exempt employees not covered by other sections of this policy or by collective bargaining agreements will accrue the minimum sick leave provided above at the rate of one hour per 40 hours worked, and will be limited to carryover of no more than 40 hours, unless otherwise specified by separate contract or policy.

- **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 will not apply to the extent it conflicts with the provisions of any collective bargaining agreement.

- **Verification of Absences**

The District may require a signed statement from a healthcare provider for any absence in excess of five consecutive days, or after such longer period as may be established in applicable collective bargaining agreements. If the District obtains medical information through this verification process, the information will be kept confidential.

Pursuant to WAC 296-128-660, if the District requires such verification from a nonexempt employee and the employee believes obtaining verification would result in an unreasonable burden or expense, the employee may contact their immediate supervisor orally or in writing indicating that the sick leave is for a qualifying purpose and specifying how the request for verification will be an unreasonable burden or expense on the employee. The District will consider the employee's request and respond within ten calendar days as set forth in WAC 296-128-660.

- **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 Payroll and Benefits Office.

Front-loaded amounts provided under other sections of this policy 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.

- **Substitute Employees**

Non-exempt substitute employees will 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, and may carry over a maximum of 40 accrued hours into a subsequent school year. 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 90<sup>th</sup> 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 and who becomes eligible upon such hire for the sick leave allocations set forth in this Policy and/or employee collective bargaining agreements will be permitted to retain previously accrued leave accrued in the substitute position, provided that the substitute is hired into the regular position within one (1) year of their most recent substitute assignment.

Sick leave accumulated by substitute employees is not available for cash out when accrued solely under this policy. Such leave becomes eligible for cash out under RCW 28A.400.210 if a substitute is hired into a regular position.

RSD #400

Adopted: September 10, 1991

Revised: October 23, 2018

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 or benefit plan for unused sick leave
RCW 28A.400.300	Hiring and discharging of employees – Written leave policies– Seniority and leave benefits of employees transferring between schools districts and other educational employers
WAC 392-136	WAC Finance - Conversion of Accumulated Sick Leave
AGO 1964 No. 98	Sick leave for certificated and non-certificated employees
AGO 1980 No. 22	Limitation on compensated leave for school district employees