

Sick Leave

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

Definitions

1. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.
2. "Grandchild" means the child of a child of an employee.
3. "Grandparent" means a parent of a parent of an employee.
4. "Parent" means a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
5. "Parent-in-law" means a parent of the spouse or registered domestic partner of an employee.
6. "Registered domestic partner" means a domestic partner of an employee where the employee and domestic partner are entered into a state registered domestic partnership in Washington or other state providing similar domestic partnership registration.
7. "Sibling" means a biological, adopted, foster, or step brother or sister of an employee.
8. "Spouse" means an individual who is entered into a legally recognized marriage in the State of Washington. Spouse does not include a divorced or legally separated spouse.
9. "Sick leave or other paid time off" means time allowed under the terms of ESD 112 policy and administrative regulations for illness or vacation.
10. "Health condition that requires treatment or supervision" includes:
 - a. any medical condition requiring treatment or medication that the child cannot self-administer;
 - b. any medical or mental health condition that would endanger the child's safety or recovery without the presence of a parent or guardian; or
 - c. any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.
11. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities).
12. "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

General Provisions

Full-time regular and variable employees shall be allowed credit for 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 credit for 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 absences due to:

1. employee illness;
2. noncompensable injury of employee;
3. employee disability due to pregnancy or childbirth;
4. employee appointments for illness, preventive health care, mental health, or Employee Assistance Program
5. to care for:
 - a. a child of the employee with a health condition that requires treatment or supervision as defined above; or
 - b. a spouse, registered domestic partner, parent, parent-in-law, grandparent, grandchild or sibling of the employee who has a serious health condition or an emergency condition.
6. an emergency or for personal reasons as allowed under Policy 5403.

An employee will have the choice of using paid sick or paid vacation leave when leave is taken pursuant to this Policy, 5401, Sick Leave.

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

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 when such accumulation is certified by that former employer.

RCW 28A. 310.240(1)

As provided in RCW 28A.310.240(1), 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. 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.

Employees, upon finding it necessary to be absent from their assigned duties for any reason, will notify their immediate supervisor at the earliest possible time prior to the time at which they normally report to work stating the reason therefore. Upon return to duty, the employee will be required to report date of absence and type of leave on a monthly payroll/absence record.

After five (5) consecutive working days of personal illness or injury, the ESD will request and an employee must facilitate provision of a licensed physician's certificate.

Sick Leave Accrual

For regular employees, sick leave will be granted and accrued when employment begins, prorated if employment begins after the first of the fiscal year. Employment begins for purposes of sick leave when an employee has worked at least twelve (12) continuous days. 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.

Separation of Employment

Should an employee separate from ESD 112 employment, and use more sick leave than entitled to, the value of sick leave used prematurely will be deducted from final pay. If there are not sufficient funds in the final pay to deduct the value of the sick leave, the employee will be required to reimburse the ESD for the value of the overused sick leave.

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 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. 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.

An employee separating from employment for purposes of retirement must immediately commence receiving retirement benefits from a Washington State retirement system in order to be eligible for conversion of sick leave to compensation.

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 296-130 Family care.

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

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