

## Sick Leave

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

The district will 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.

Unused sick leave days may be accumulated on a from year-to-year basis 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 period, but not to exceed greater than one year.

The district may require a signed statement from a healthcare provider 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 [insert point of contact] 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.

### 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 will 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 28A.400.210 and Chapter 392-136 WAC due to retirement, provided that the retiree provides documentation from the appropriate state retirement system. Such leave will be accrued at the rate of no more than one day per month.

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 must be submitted to the district office and

**Comment [A1]:** School districts are required to provide both full time and part time certificated and classified staff members with paid sick leave. See RCW 28A.400.300(1)(b)(i)-(ii).

**Comment [A2]:** These changes were made to better track the law. See RCW 28A.400.300(1)(b)(v) ("Leave provided in this proviso not taken shall accumulate 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."):

**Comment [A3]:** Although WAC 296-128-660 permits employers to require verification from nonexempt staff members after three consecutive days of being absent, we left the language in the policy that allows school districts to seek verification after five consecutive days so that there would not be different requirements for exempt and nonexempt staff members. If a school district wants to go with three consecutive days, it will need to consider collective bargaining obligations.

**Comment [A4]:** Although not required by WAC 296-128-660, school districts can permit exempt staff members to contact the district if they believe that providing verification will result in an unreasonable burden or expense. If a school district wants to do that, it would simply need to delete the word "nonexempt" in this sentence after considering its collective bargaining obligations.

**Comment [A5]:** This verification timeline is a school district option, but it can be no less than 10 calendar days under WAC 296-128-660.

**Comment [A6]:** If a school district wants to require that exempt employees provide verification within 10 calendar days, it would simply need to delete the word "nonexempt" in this sentence after considering its collective bargaining obligations.

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 will 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 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 [Optional]

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. Please provide such reasonable notice to [insert point of contact, e.g. supervisor]. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to [insert point of contact] at least 10 days, or as early as possible, before the first day paid sick leave is used. If a nonexempt staff member's

**Comment [A7]:** Sick leave cash out eligibility is set forth in RCW 28A.400.210 and Chapter 392-136 WAC, which is why these provisions are listed above.

**Comment [A8]:** This "reasonable notice" requirement is optional under WAC 296-128-650. School districts need to consider collective bargaining obligations and decide whether or not the district wants to have different notice requirements for exempt staff members. If the school district wants to have the same notice requirements for all staff, it should simply delete the word "nonexempt" throughout this section.

absence is unforeseeable, the staff member must contact [insert point of contact] as soon as possible.

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

#### C. Frontloaded Paid Sick Leave [Optional]

The district will provide eligible nonexempt 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 nonexempt 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 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 school districts and other  
educational employers  
Chapter 392-136 WAC Finance — Conversion of Accumulated  
Sick Leave  
AGO 1964 No.98 Sick leave for certificated and noncertificated  
employees  
AGO 1980 No.22 Limitation on compensated leave for school

**Comment [A9]:** This "frontloading" requirement is optional under WAC 296-128-730. School districts need to consider collective bargaining obligations and decide whether or not the district wants to have different notice requirements for exempt staff members. If the school district wants to have the same frontloading requirements for all staff, it should simply delete the word "nonexempt" throughout this section.

district employees

Adoption Date:

Classification: **Essential**

| Revised Dates: **10.00; 12.11; [11.17](#)**

---

© 2014-2017 Washington State School Directors' Association. All rights reserved.