

(7.4) Sick Leave

Effective Date: 03/01/00

Revision Date: 01/01/18

Purpose

Sick Leave is a benefit intended to provide an employee with protection against loss of income in the event of absences from work due to illness, injury, or to attend health-related appointments. Sick leave may not be used for any other absence.

Earning Leave

Employees shall accrue sick leave in the following manner:

Full Time (100% FTE, or 40 hours/week)	8 hours per month
Part Time (50, 60, 75, or 80% FTE)	Pro-rated to % FTE
All Other Paid Classifications (up to 20 hours/week)	1 hour for every 40 hours worked*

**For the purpose of calculating earned leave for All Other Paid Classifications, "hours worked" includes overtime hours, but it does NOT include hours taken as paid sick leave or any other form of leave.*

Employees shall begin to accrue sick leave upon hire date. There is no cap on how much leave can be accrued in a year (January 1 – December 31).

Employees will be notified of their paid sick leave balances each month on their pay stub, including:

- Accrued paid sick leave since the last notification
- Used paid sick leave since the last notification
- Current balance of paid sick leave available for use

Carryover of Leave

Employees may not carry over more than the following amount of unused sick leave beyond December 31 of each year:

Full Time (100% FTE, or 40 hours/week)	1,120 hours
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Part Time (50, 60, 75, or 80% FTE)	Pro-rated to % FTE
All Other Paid Classifications (up to 20 hours/week)	40 hours

Using Leave

Sick leave may be used in minimum increments of one-fourth (1/4) hour. Employees categorized as “All Other Paid Classifications” may access accrued sick leave on the first day of the month following date of hire. Full and Part Time employees may access accrued sick leave as soon as leave has accrued.

All sick leave pay shall be calculated at the employee's straight time hourly rate and does not include overtime or any special forms of compensation.

Absences due to the following are acceptable uses of sick leave:

- An employee’s mental or physical illness, injury or health condition.
- Preventive care such as a medical, dental or optical appointments and/or treatment.
- Care of an immediate family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment.
- Closure of the employee’s place of business or child’s school/place of care by order of a public official for any health-related reasons.
- If the employee or the employee’s immediate family member is a victim of domestic violence, sexual assault, or stalking.

Authorized use of paid sick leave for domestic violence, sexual assault or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their immediate family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's immediate family members.
- Obtaining, or assisting the employee's immediate family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.

- To obtain, or assist an immediate family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's immediate family member was a victim of domestic violence, sexual assault or stalking.
- Participating, for the employee or for the employee's immediate family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

“Immediate family member” shall include only persons related by blood or marriage, guardianship or legal adoption to the extent of wife, husband, registered domestic partner, parent, grandparent, brother, sister, child or grandchild of the employee and other relatives residing in the employee's household.

Notification of Need for Leave

- If the requirement for sick leave usage is foreseeable, such as a scheduled doctor or dentist visit, employees should give 10 days’ advance notice or as early as practicable.
- If unforeseeable, notice should be given as soon as possible before the required start of the employee’s shift, unless it is not practicable to do so.
- Another person may provide notice on the employee’s behalf if impracticable for the employee to do so.
- If the request relates to domestic violence or emergency precludes advance notice, the employee must provide notice by the end of the first day that leave starts.

Verification for Absences Exceeding Three (3) Days

If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee will be required to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose. The employee will need to complete and sign the “Employee Verification for Authorized Use of Accrued Paid Sick Leave” form, and return the form with any required documentation to their supervisor within ten (10) calendar days of the first day an employee used paid sick leave. Verification forms will be forwarded to the Human Resource Department to be included in the employee's medical records file. Any notes received from doctors should not be maintained in department files. The requirement for verification applies to use of sick leave for the employee’s own health condition, or use to care for an immediate family member.

When an employee or the employee's immediate family member has been a victim of domestic violence, sexual assault or stalking, the employee's choice of any of the following documents, or any combination thereof, satisfy this verification requirement:

- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's immediate family member is a victim:
 - An advocate for victims of domestic violence, sexual assault, or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related reasons:

- Notice of closure by a public official that the employee received regarding employee's child's school or place of care.

Please note:

- Employees are not required to provide any details concerning the specific nature of the health condition in order to use paid sick leave, unless otherwise required by law.
- Any information an employee provides will be kept confidential.

Unreasonable Burden or Expense for Verification

If an employee believes obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, the employee must explain why.

Within ten (10) calendar days of receiving the verification form, Human Resources will work with an employee to identify an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense.

Possible options may include, but are not limited to:

- Providing a note of explanation in lieu of other forms of verification;
- Exempting you from the verification requirement based on your explanation; or
- At the County's discretion, mitigating your out-of-pocket expenses associated with obtaining medical verification.

The County may choose not to pay an employee for paid sick leave taken in excess of three (3) consecutive days until verification is provided.

If an employee is not satisfied with the County's verification alternatives, they may consult with the Washington State Department of Labor and Industries.

Additional Opinions

The County has the right to ask for a second opinion if it has reason to doubt the illness. The County will pay for the employee to get a statement from a second doctor, which the County will select. If necessary to resolve a conflict between the original physician statement and the second opinion, the county will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to sick leave pending the second and/or third opinion. The County may deny sick leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

Abuse of Sick Leave

Employees will not be disciplined for lawful exercise of sick leave rights. Misuse of sick leave is grounds for disciplinary action, up to and including termination. Some examples of abuse are:

- Calling in sick the day before or the day after regularly scheduled days off with no evidence of illness or injury.
- Calling in sick the day before or the day after a scheduled holiday or vacation with no evidence of illness or injury.
- Calling in sick on a day where a previous request for that day off had been denied with no evidence of illness or injury.

Leave Reinstatement and Cash Out

Reinstatement

If an employee leaves employment and is rehired within twelve (12) months of separation, accrued, unused paid sick leave will be reinstated to the employees paid sick leave bank. If the employee is rehired within the same calendar year, all accrued, unused paid sick leave will be reinstated. If the employee is rehired the following calendar year, but still within twelve (12) months of separation, accrued, unused sick leave will be reinstated up to a maximum of forty (40) hours.

Cash Out

Employees Hired 12/31/87 and After

If an employee separates from employment, there will not be a financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation.

Employees Hired Prior to 12/31/87

As of December 31, 1987, employees previously hired shall have their sick leave accumulation identified and recorded. Employees hired prior to December 31, 1987, upon retirement or layoff due to reduction in force, or upon the death of the employee (payable to the estate), will receive twenty-five percent (25%) of their accumulated sick leave as of December 31, 1987. Provided further, that as to those employees hired prior to December 31, 1987, whose accumulations, at the time of retirement or lay-off, are reduced below the recorded accumulation as of December 31, 1987, shall only receive twenty-five percent (25%) of the reduced accumulation.

Retaliation Prohibited

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels they are being discriminated or retaliated against, the employee may contact the Human Resources Office.

Reporting

If an employee is not satisfied with the County's application of the Paid Sick Leave Law, the employee may contact the Washington State Department of Labor & Industries.

Online: www.Lni.wa.gov/WorkplaceRights

Call: 1-866-219-7321, toll-free

Visit: www.Lni.wa.gov/Offices

Email: ESgeneral@Lni.wa.gov