

PERSONNEL

Sick Leave

The district will grant each 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 from year-to-year up to a maximum of 180 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.

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 the District Human Resource Supervisor 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.

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 leave accumulated in the previous year in an amount equal to one day's monetary compensation of the staff member for each four (4) 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 (4) 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.

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 (4) days of leave. A certified copy of the death certificate and proper documentation of court appointment as administrator of the estate must be submitted to the district office.

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. These include regular hourly employees of the district, as well as substitute employees who do not meet any exemption from Chapter 49.46 RCW.

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 (1) hour of paid sick leave for every 40 hours worked.
2. Nonexempt staff members are entitled to use their accrued paid sick leave beginning on the 90th 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. Nonexempt substitute employees shall accrue and use leave in accordance with section D of this policy.
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 40 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

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 the Human Resources Supervisor. Any information provided will be kept confidential. If a nonexempt staff member's absence is foreseeable, the staff member must provide notice to the Human Resources Supervisor at least 10 days, or as early as possible, before the first day paid sick leave is used. If a nonexempt staff member's absence is unforeseeable, the staff member must contact the Human Resources Supervisor as soon as possible.

A nonexempt staff member must give advance oral or written notice to the Human Resources Supervisor 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 designee must give oral or written notice to the Human Resources Supervisor no later than the end of the first day that the staff member takes such leave.

C. Frontloaded Paid Sick Leave

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. At the end of the sick leave accrual year any unused sick leave of 40 hours or less will carry over to the following year. The maximum amount of carryover from one school year to the next is 40 hours. Employees will not be allowed to cash out any balance of sick leave either on an annual basis or upon separation from employment, however if employee leaves employment and is rehired within 12 months of separation, any accrued, unused sick leave up to 40 hours will be reinstated to the employee's sick leave balance.

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 member's 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.

D. Substitutes

Non-exempt substitute employees shall accrue leave at the rate of one (1) 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. 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 after accepting a day-to-day assignment in lieu of commencing such assignment.

Substitute employees hired into a continuing 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 90th 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, if applicable.

A substitute who is hired into a continuing position will be eligible upon such hire to receive the amount of leave available under the applicable collective bargaining agreement / this Policy, or to receive the minimum amount to which the employee is entitled under this

Section, whichever amount is greater. Such employees shall not receive both amounts cumulatively.

Sick leave accumulated by substitute employees is not available for cash out when accrued solely under this Section.

Cross References: Policy 5406 Leave Sharing

Legal References:

RCW 28A.400.300	Hiring and discharging employees – Leaves for employees – seniority and leave benefits, retention upon transfers between schools
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
Chapter 392-136 WAC	Conversion of Accumulated Sick Leave
AGO 1963-64 No. 98	Sick leave for certificated and non-certificated employees
AGO 1980 No. 22	Limitation on compensated leave for school district employees.

Date: 12/08/08; 1/18/18.

PORT TOWNSEND SCHOOL DISTRICT NO. 50