

ARTICLE 12
SICK LEAVE

12.1 Sick Leave Accrual

A full-time employee will accrue eight (8) hours of sick leave after they have been in pay status for eighty (80) non-overtime hours in a calendar month. A full-time employee in an overtime-eligible position who is in pay status for less than eighty (80) non-overtime hours in a calendar month and part-time employees will accrue sick leave in an amount proportionate to the number of hours the ~~part-time~~ employee is in pay status in the month, up to a maximum of eight (8) hours in a month.

12.2 Sick Leave Use

Sick leave will be charged in one-tenth (1/10th) of an hour increments and may be used for the following reasons:

- A. A personal illness, injury or medical disability that prevents the employee from performing their job, or personal medical or dental appointments and for reasons allowed under the Minimum Wage Requirements and Labor Standards, [RCW 49.46.210](#).
- B. Care of family members as required by the Family Care Act, [WAC 296-130](#) and ~~to provide care for family members~~ as allowed under [RCW 49.46.210](#).
- C. Qualifying absences for Family and Medical Leave ([Article 15](#)).
- D. Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

1 E. Preventative health care appointments of household members, up to one (1)
2 day for each occurrence, when the employee attends the appointment, if
3 arranged in advance with the Employer.

4 F. Illness of or household members, up to five (5) days for each occurrence or
5 as extended by the Employer.

6 G. A death of a relative in cases where the employee is not eligible for
7 bereavement leave under [Article 17](#), or when the employee elects to extend
8 authorized bereavement leave. Sick leave use for bereavement is limited to
9 three (3) days or as extended by the agency for travel. The Employer may
10 require verification.

11 H. Leave for Military Family Leave as required by [RCW 49.77](#) and in
12 accordance with [Article 18, Section 18.12](#).

13 I. Leave for Domestic Violence Leave as required by [RCW 49.76](#).

14 J. In accordance with [RCW 49.46.210](#), when an employee's place of business
15 has been closed by order of a public official for any health-related reason as
16 defined in WAC 296-128-600, or when an employee's child's school or
17 place of care has been closed for such a reason or after the declaration of an
18 emergency by a local or state government or agency, or by the federal
19 government. Health-related reason, as defined in WAC 296-128-600 (8),
20 means a serious public health concern that could result in bodily injury or
21 exposure to an infectious agent, biological toxin, or hazardous material.
22 Health-related reason does not include closure for inclement weather.

23 K. ~~Family, Relative and Household Member Defined~~Terms:

- 24 1. Family member ~~is defined as a means:~~ a child, grandchild,
25 grandparent, parent, sibling, or spouse of an employee, and also
26 includes any individual who regularly resides in the employee's

1 home or where the relationship creates an expectation that the
2 employee care for the person, and that individual depends on the
3 employee for care. “Family member” includes any individual who
4 regularly resides in the employee’s home, except that it does not
5 include an individual who simply resides in the same home with no
6 expectation that the employee care for the individual.

7 2. a. — Child; means including a biological, adopted, or foster child,
8 stepchild, a child’s spouse, or for whom the employee stands in loco
9 parentis, is a legal guardian or is a de facto parent, regardless of age
10 or dependency status;.

11 3. Grandchild means a child of the employee’s child.

12 4. Grandparent means a parent of the employee’s parent.

13 5. Parent means ~~b. Biological,~~ biological, adoptive, de facto, or foster parent,
14 stepparent, or legal guardian of an employee or the employee’s
15 spouse or registered domestic partner, or a person who stood in loco
16 parentis when the employee was a minor child;.

17 6. e. — Spouse;

18
19 7. State registered domestic partner as defined by RCW 26.60;

20 ~~d. — Registered domestic partner as defined by RCW 26.60;~~

21 ~~e. — Grandparent;~~

22 ~~f. — Grandchild; or~~

23 ~~g. — Sibling~~

1 ~~278.~~ Relative ~~is defined as means~~ an aunt, uncle, niece, nephew, sibling-
2 in-law, first cousin, and corresponding relatives of the employee's
3 spouse or domestic partner.

4 ~~389.~~ Household member is defined as persons who reside in the same
5 home who have reciprocal duties to and do provide financial support
6 for one another. This term does not include persons sharing the same
7 house when the living style is primarily that of a dormitory or
8 commune.

9 **12.3 Use of Compensatory Time, Exchange Time, Personal Holiday, or Vacation**
10 **Leave for Sick Leave Purposes**

11 The Employer will allow an employee to use compensatory time, exchange time,
12 personal holiday, or vacation leave for sick leave purposes in the same manner as
13 the use of accrued sick leave. An employee may be denied the ability to use
14 compensatory time, exchange time, personal holiday, or vacation leave for sick
15 leave purposes if the employee has documented attendance problems. All
16 compensatory time, exchange time, personal holiday, or vacation leave requests for
17 sick leave purposes will indicate that the compensatory time, exchange time,
18 personal holiday, or vacation leave is being requested in lieu of sick leave. For full-
19 time employees, a personal holiday must be used in full shift increments. For part-
20 time employees, the use of a personal holiday for sick leave purposes will be
21 calculated in accordance with [Article 10](#), Section [10.3](#) D.

22 **12.4 Restoration of Vacation Leave**

23 When a condition listed in [Subsection 12.2](#) A, above, arises while the employee is
24 on vacation leave, the employee will be granted accrued sick leave, in lieu of the
25 approved vacation leave, provided that the employee requests such leave within
26 fourteen (14) calendar days of their return to work. The equivalent amount of
27 vacation leave will be restored.

12.5 Sick Leave Reporting Certification and Verification

An employee must promptly notify their supervisor or designee in accordance with agency policy or their work unit procedure, on the first day of sick leave and each day after, unless there is mutual agreement to do otherwise. Upon returning to work, the employee shall report the general reason per [Section 12.2](#) for the sick leave. A medical certificate may be required when there is cause to suspect sick leave abuse; to assist agencies in protecting the employee from returning to work too soon following an illness or injury; or to protect fellow employees or clients from contagious illness. The Employer will not require continuous medical verification for longer than seven (7) months as a result of the suspected abuse. A medical certificate must be required if the reason was personal illness and the absence continued for more than ten (10) continuous working days. For employees in overtime-eligible positions, medical certification or verification that is required when there is cause to suspect sick leave abuse will be in accordance with [RCW 49.46.210](#) and this Agreement. Medical certification and/or medical verification will be provided to the Human Resources Department.

12.6 Sick Leave Annual Cash Out

Each January, employees are eligible to receive cash on a one (1) hour for four (4) hours basis for ninety-six (96) hours or less of their accrued sick leave, if:

- A. Their sick leave balance at the end of the previous calendar year exceeds four-hundred and eighty (480) hours;
- B. The converted sick leave hours do not reduce their previous calendar year sick leave balance below four-hundred and eighty (480) hours; and
- C. They notify their payroll office by January 31 that they would like to convert their sick leave hours earned during the previous calendar year, minus any sick leave hours used during the previous year, to cash.

1 All converted hours will be deducted from the employee's sick leave balance.

2 **12.7 Sick Leave Separation Cash Out**

3 At the time of death, an eligible employee's estate will receive compensation for
4 their total sick leave balance on a one (1) hour for four (4) hours basis. At the time
5 of retirement from state service, an eligible employee will receive compensation
6 for their sick leave balance on a one (1) hour for four (4) hours basis, which will be
7 forwarded to their Voluntary Employee Beneficiary Association. For the purposes
8 of this Section, retirement will not include "vested out of service" employees who
9 leave funds on deposit with the retirement system.

10 **12.8 Reemployment**

11 Former state employees who are re-employed within five (5) years of leaving state
12 service will be granted all unused sick leave credits they had at separation.

TENTATIVE AGREEMENT REACHED

An electronic signature to this Agreement shall be given effect as if it were an original signature.

For the Employer

Tanya Aho
Tanya Aho, Labor Relations Manager
OFM/SHR Labor Relations &
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For the Union


Steve Sloniker, CAD
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