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**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
HIGHER EDUCATION COMMUNITY COLLEGE COALITION  
AND  
WASHINGTON FEDERATION OF STATE EMPLOYEES**

**SICK LEAVE**

Initiative 1433, approved by the citizens of Washington State in 2016, modifies the Minimum Wage Requirements and Labor Standards (RCW 49.46) to include paid sick leave provisions, effective January 1, 2018. WAC 296.128.600 et seq. sick leave provisions have also been added. The parties agree to modify Articles 5 - Part-Time Hourly Appointments, adding sick leave provisions, and Article 12 - Sick Leave in the parties' 2017-2019 Collective Bargaining Agreement, to incorporate the changes in law and WACs, effective January 1, 2018, as follows:

**ARTICLE 5  
PART-TIME HOURLY APPOINTMENTS**

**5.17 Sick Leave**

For part-time hourly employees in overtime-eligible positions, the Employer will follow the applicable paid sick leave provisions in the Minimum Wage Requirements and Labor Standards, RCW 49.46.200 et seq. and WACs 296.128.600 et seq.

**ARTICLE 12  
SICK LEAVE**

**12.1 Sick Leave Accrual**

Employees will accrue eight (8) hours of sick leave per month under the following conditions:

- 1A.** Employees working less than a full-time schedule will accrue sick leave credit on the same proportional basis that their employment schedule bears to a full-time schedule.
- 2B.** For overtime-exempt positions: Sick leave credit will not accrue for employees during leave without pay which exceeds ten (10) working days in any calendar month.

For overtime-eligible positions: Employees, who have been on leave without pay which exceeds ten (10) working days in a calendar month and have worked during this month, will accrue sick leave at the rate of one (1) hour of sick leave per forty (40) hours worked up to a maximum of eight (8) hours of sick leave in a month, in accordance with the Minimum Wage Requirements and Labor Standards, RCW 49.46.210.

- 3C. Sick leave accruals for the prior calendar month will be credited and available for employee use the first of the next calendar month.

## 12.2 Sick Leave Use

Sick leave may be used for:

- A. 1. A personal illness, injury or medical disability that prevents the employee from performing their job, or personal medical or dental appointments.
2. The reasons allowed under the Minimum Wage Requirements and Labor Standards, RCW 49.46.210.
- B. 1. Care of family members as required by the Family Care Act, WAC 296-130.
2. Illness or preventive health care appointments of relatives, significant others and domestic partners when the presence of the employee is required.
3. The reasons allowed under the Minimum Wage Requirements and Labor Standards, RCW 49.46.210, family members to include a:
- a. Child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
  - b. Biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
  - c. Spouse;
  - d. Registered domestic partner, as defined by RCW 26.60;
  - e. Grandparent;
  - f. Grandchild; or
  - g. Sibling.
- C. In accordance with the Minimum Wage Requirements and Labor Standards, RCW 49.46.210, when an employee's place of business has been closed by order of a

public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason; health related reason, as defined in WAC 296-128-600 (8), means a serious public health concern that could result in bodily injury or exposure to an infectious agent, biological toxin, or hazardous material; and health-related reason does not include closure for inclement weather.

- ~~ED.~~ A death of any relative that requires the employee's absence from work. Relatives are defined for this purpose as spouse, significant other, domestic partner, son, daughter, grandchild, foster child, son-in-law, daughter-in-law, grandparent, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, brother-in-law, sister-in-law, ex-spouse or the employee's ex-mother/father in law when the employee has a related minor child, and corresponding relatives of employee's spouse, significant other or domestic partner.
- ~~DE.~~ Childcare emergencies after the employee has exhausted all of their accrued compensatory time. Use of sick leave and vacation leave for emergency childcare is limited to a combined maximum of four (4) days per calendar year.
- ~~E.~~ ~~To care for a child under the age of eighteen (18) with a health condition that requires treatment or supervision, or to make arrangements for extended care.~~
- ~~F.~~ ~~Illness or preventive health care appointments of relatives, significant others and domestic partners when the presence of the employee is required.~~
- ~~GF.~~ Leave for Military Family Leave as required by RCW 49.77 and in accordance with Section 19.14.
- ~~HG.~~ Leave for Domestic Violence Leave as required by RCW 49.76.
- ~~IH.~~ Qualifying absences for Family and Medical Leave (Article 15).

### **12.3 Use of Compensatory Time, Vacation Leave, Personal Leave or Personal Holiday for Sick Leave Purposes**

The Employer may allow an employee who has used all of their sick leave to use compensatory time, vacation leave, personal leave or all of a personal holiday for sick leave purposes as provided in Subsection 12.2A.1. An employee who has used all of their sick leave may use compensatory time, vacation leave, personal leave or all of a personal holiday for sick leave purposes as provided in Subsections 12.2 B.

**12.4 Restoration of Vacation Leave**

In the event an employee is injured or becomes ill while on vacation leave, the employee may submit a written request to use sick leave and have the equivalent amount of vacation leave restored. The supervisor may require a written medical certificate.

**12.5 Sick Leave Reporting, Certification and Verification**

A. An employee must promptly notify their supervisor on their first day of sick leave and each day after, unless there is mutual agreement to do otherwise. If an employee is in a position where a relief replacement is necessary if they are absent, they will notify their supervisor at least two (2) hours prior to their scheduled time to report to work (excluding leave taken in accordance with the RCW 49.76 - Domestic Violence Leave Act).

B. If the Employer suspects abuse, the Employer may discuss FMLA eligibility and/or require a written medical certificate for any sick leave absence. When a medical certificate is required, the Employer will state the reasons for suspicion of sick leave abuse. The Employer will not require continuous medical verification for longer than six (6) months as result of the Employer suspecting abuse.

If medical certification or verification is required for overtime eligible positions, it shall be in accordance with the Minimum Wage Requirements and Labor Standards, RCW 49.46.210, WACs 296-128-600 et seq. sick leave provisions and this Agreement. The Employer may not adopt or enforce any policy that counts the use of paid sick leave for an authorized purpose as an absence that may lead to or result in discipline against the employee.

C. An employee returning to work after any sick leave absence may be required to provide written certification from their health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.

**12.6 Sick Leave Annual Cash Out**

Each January an employee is 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 eighty (480) hours;

B. The converted sick leave hours do not reduce their previous calendar year sick leave balance below four hundred eighty (480) hours; and

- C. The employee notifies their payroll office by January 31st that they would like to convert sick leave hours earned during the previous calendar year, minus any sick leave hours used during the previous year, to cash.

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

**12.7 Sick Leave Separation Cash Out**

At the time of retirement from state service or at death, an eligible employee or the employee's estate will receive cash for their compensable sick leave balance on a one (1) hour for four (4) hours basis. For the purposes of this Section, retirement will not include "vested out of service" employees who leave funds on deposit with the retirement system.

**12.8 Reemployment**

Former state employees who are reemployed within five (5) years of leaving state service will be granted all unused and unpaid sick leave credits they had at separation. If an employee is reemployed after retiring from state service, when the employee subsequently retires or dies, only unused sick leave accrued since the date of reemployment minus sick leave taken within the same period will be eligible for sick leave separation cash out, in accordance with 12.7 above.


**12.9 Carry Forward and Transfer**


Employees will be allowed to carry forward, from year to year of service, any unused sick leave allowed under this provision, and will retain and carry forward any unused sick leave accumulated prior to the effective date of this Agreement. When an employee moves from one college to another, without a break in service, the employee's accrued sick leave will be transferred to the new college for the employee's use.

Dated: 8/29/2018

For the State CCC

For the Union CCC

  
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Valerie Inforzato, Labor Negotiator

  
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Mark Hamilton, Labor Advocate