

Sick Leave

ESD 123 will grant each staff member sick leave days annually in accordance with RCW 28A.400.300 as follows:

1. Full-time (2,080 hours minimum for a classified position/180 days minimum for a certificated position) certificated and classified staff members of ESD 123 will earn twelve (12) days sick leave each year.
2. Part-time staff members will earn prorated sick leave according to the ratio of days and/or hours worked to the number of days and/or hours worked by a full-time staff member in the same or similar position.
3. Non-Exempt classified teaching staff working on a school year calendar and eligible to receive sick leave shall have their annual amount of accrued sick leave frontloaded. Frontloaded sick leave will be prorated if employment begins after September 1. A staff member who separates or retires from employment with ESD 123 who has used sick leave that they have not yet earned, will have the value of sick leave used prematurely deducted from their final pay.
4. Temporary hourly staff will earn one (1) hour of sick leave for every forty (40) hours worked.

During sick leave periods, a non-salary deduction will be made, for employee illness/injury or for the care of an employee's family member to include spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandparent, or grandchild with an illness/injury requiring such assistance. Sick leave may also be used when a 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. Retaliation against a staff member for the lawful exercise of paid sick leave rights is prohibited.

Qualification for use of sick leave does not necessarily constitute qualification under the Family Medical Leave Act. Policy 5404 provides guidance related to the Family Medical Leave Act access and provisions. This leave will be credited monthly as it is earned and may be accessed in fifteen (15) minutes or longer increments. Unused sick leave may be accumulated on a year-to-year basis up to a maximum of the number of contract days in a contract period, not to exceed one year (180 days) for full-time and part-time staff. Hourly, on-call, and substitute staff may carry over up to forty (40) hours of sick leave from year-to-year. Sick leave balances for hourly, on-call, and substitute staff will be held by ESD 123 for up to twelve (12) months after termination and forfeited after this time period if the employee does not return to active employment.

After five (5) consecutive days of sick leave, a doctor's note will be required and shall be submitted to the Human Resource Department as soon as possible as set forth in RCW 49-46-210 and Chapter WAC 296-128-660. Employees shall not bear an unreasonable burden to provide verification and can speak with Human Resources prior to submitting a doctor's note when deemed necessary. If sick leave benefits are exhausted, the Superintendent may grant leave without pay for the balance of the year, provided all other available leaves have also been exhausted.

Attendance Incentive—In January of the year following any year in which a minimum of sixty (60) days of sick leave is accrued, and each January thereafter, any eligible staff member may exercise an option of one of the following:

1. receive remuneration for unused sick leave accumulated in the previous year in an amount equal to one (1) day's monetary compensation of the staff member for each four (4) full days of accrued sick leave in excess of sixty (60) days;

2. add that year's sick leave to the staff member's accumulated sick leave; or
3. request remuneration be forwarded to a VEBA III account in accordance with federal law and IRS procedures.

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 (1) day's monetary compensation. The per diem rate will be calculated by the method established in Policy 5280.

A staff member may cash out all accrued sick leaves 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 (1) 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 ESD 123.

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.

First Reading: 12/16/21
Second Reading: 1/27/22
Adoption: 1/27/22

Reference:

[RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.](#)
[RCW 28A.310.200 ESD board—Powers and duties—Rules.](#)
[RCW 28A.310.210 ESD board—Payment of member expenses—Payment of dues into statewide association of board members, restrictions.](#)
[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)
[RCW 28A.310.240 Employee leave policy required.](#)
[RCW 49.12.270 Sick leave, time off—Care of family members.](#)
[WAC 392-136 Finance—Conversion of accumulated sick leave](#)
[WAC 296-130 Family care](#)
[AGO 1963-64, #98 Districts—Schools—Sick leave for certificated and noncertificated employees—when leave may be taken](#)