

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF WASHINGTON

AND

WASHINGTON FEDERATION OF STATE EMPLOYEES

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. The parties agree to modify Article 12 Sick Leave of the 2017-19 Collective Bargaining Agreement to incorporate changes in the law, effective January 1, 2018 as follows:

ARTICLE 12 SICK LEAVE

12.1 Sick Leave Accrual

A full-time employee will accrue eight (8) hours of sick leave after he or she has been in pay status for eighty (80) non-overtime hours in a calendar month. Full-time employees in overtime-eligible positions who are 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 they are 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 his or her 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 allowed under RCW 49.46.210 and as required by the Family Care Act, WAC 296-130. Family members includes 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; sibling, spouse, registered domestic partner as defined by RCW 26.60.020 and 26.60.030, grandparent, grandchild, or child, regardless of age or dependency status, 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.
- 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.

- E. In accordance with 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. Health-related reason does not include closure for inclement weather.
- ~~E.F. Preventative health care appointments of family members or household members, up to one (1) day for each occurrence, when the employee attends the appointment, if arranged in advance with the Employer. Family member is defined as parent, step parent, sister, brother, parent in law, spouse, registered domestic partner as defined by RCW 26.60.020 and 26.60.030, grandparent, grandchild, minor/dependent child, and child.~~
- ~~F. To care for a minor/dependent child with a health condition requiring treatment or supervision.~~
- G. To attend a medically-related interdisciplinary meeting necessary for the planning and care of a minor/dependent child who requires coordinated care of services in the home or school setting.
- H. When an employee is absent from work to be with member(s) of the employee's household ~~or relatives of the employee, employee's spouse, or state registered domestic partner as defined by RCW 26.60.020 and 26.60.030,~~ who experience an illness or injury, up to five (5) days for each occurrence or as extended by the Employer. ~~For purposes of this sub-section, "relatives" is limited to spouse, state registered domestic partner as defined by RCW 26.60.020 and 26.60.030, child, grandchild, grandparent, parent, step parent, sister, brother or parent in law.~~
- I. A death of a relative in cases where the employee is not eligible for bereavement leave under [Article 17](#), Miscellaneous Paid Leaves or when the employee elects to extend authorized bereavement leave. Sick leave use for bereavement is limited to five (5) days or as extended by the agency for travel.
- J. Leave for Family Military Leave as required by [RCW 49.77](#) and in accordance with [Section 18.14](#), Military Family Leave.
- K. Leave for Domestic Violence Leave as required by [RCW 49.76](#).

12.3 Use of Compensatory Time, Exchange Time, Vacation Leave, Personal Leave Day or Personal Holiday for Sick Leave Purposes

The Employer will allow an employee to use compensatory time, exchange time, personal holiday, personal leave day or vacation leave for sick leave purposes. An employee may be denied the ability to use compensatory time, exchange time, personal holiday, personal leave day, or vacation leave for sick leave purposes if the employee has documented attendance problems. All compensatory time, exchange

time, personal holiday, personal leave day or vacation leave requests for sick leave purposes will indicate that the compensatory time, exchange time, personal holiday, personal leave day or vacation leave is being requested in lieu of sick leave. For full-time employees a personal holiday or personal leave day must be used in full shift increments. For part-time employees the use of a personal holiday for sick leave purposes will be calculated in accordance with Section 10.3 E and the use of a personal leave day for sick leave purposes will be calculated in accordance with [Subsection 17.9 D](#).

12.4 Restoration of Vacation Leave

When a condition listed in Subsection 12.2 A, arises while the employee is on vacation leave, the employee will be granted accrued sick leave, in lieu of the approved vacation leave, provided that the employee requests such leave within fourteen (14) calendar days of his or her return to work. The equivalent amount of vacation leave will be restored. The supervisor may require a written medical certificate.

12.5 Sick Leave Reporting, [Certification](#) and Verification

- A. An employee must promptly notify his or her supervisor on the first day of sick leave and each day after, unless there is mutual agreement to do otherwise.
- B. Call in for all Employees in a Position Requiring Relief, excluding the Special Commitment Center
If the employee is in a position where a relief replacement is necessary, the employee will make every effort to notify his or her supervisor as soon as practicable but, not less than one and one-half (1-1/2) hours prior to his or her scheduled time to report to work (excluding leave taken for emergencies in accordance with the Domestic Violence Leave [Law, RCW 49.76](#)).
- C. Call in for all Special Commitment Center Employees in a Position Requiring Relief
If the employee is in a position where a relief replacement is necessary, the employee will make every effort to notify his or her supervisor as soon as practicable but, not less than two (2) hours prior to his or her scheduled time to report to work (excluding leave taken for emergencies in accordance with the Domestic Violence Leave law).
- D. Sick Leave Abuse
If the Employer suspects abuse, the Employer may require a written medical certificate for any sick leave absence. The Employer will not require continuous medical verification for longer than seven (7) months as a result of the Employer suspecting abuse. In addition, an employee returning to work after any sick leave absence may be required to provide written certification from his or her 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.

If medical certification or verification is required for employees in overtime-eligible positions, it shall be in accordance with the provisions of RCW 49.46.210, WAC 296-128, and this Agreement.

12.6 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 state agency to another, regardless of status, the employee's accrued sick leave will be transferred to the new agency for the employee's use.

12.7 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 31st 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.

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


12.8 Sick Leave Cash Out for Retirement or Death

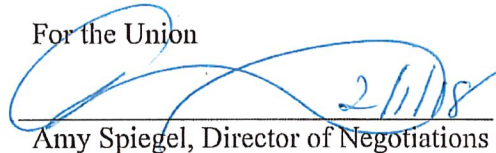
At the time of retirement from state service or at death, an eligible employee or the employee's estate will receive cash for his or her total sick leave balance on a one (1) hour for four (4) hours basis. For the purposes of this Section, retirement will not include "vested out of service" employees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

12.9 Reemployment

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

Dated: February 1, 2018

For the Employer

Susanna Fenner, Labor Negotiator

For the Union

Amy Spiegel, Director of Negotiations