

Policy No. 632
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Paid Sick Leave Policy

I. Purpose

To provide all City of Lynnwood employees paid sick leave to care for their health and the health of their qualified family members; and to comply with Washington State requirements to provide paid sick leave to all eligible employees.

II. Policy

This policy applies to all City of Lynnwood employees in accordance with Washington State law as provided in RCW 49.46.210 and WAC 296-128-600 through 296-128-770. All City of Lynnwood employees will receive paid sick leave to be used for qualifying personal illness or injury, disability (including maternity), illness or disability of a qualified family member as outlined in this policy, domestic violence-related activities, and public health-related incidents.

When there is conflict between the terms of a collective bargaining agreement and City policy, the collective bargaining agreement shall prevail as long as it meets or exceeds the requirements of RCW 49.46.200 and WAC 296-128-600 through WAC 296-128-770.

III. Sick Leave Accrual

Part-time, temporary, and seasonal employees will accrue paid sick leave at the rate of one (1) hour for every forty (40) hours worked and will be eligible to carry over to the following year a maximum of 40 hours of unused, accrued paid sick leave.

Unless otherwise provided in a collective bargaining agreement, regular full-time employees will accrue paid sick leave at the rate of eight (8) hours per month. Regular part-time employees will accrue paid sick leave at a pro-rated rate, based on the accrual formula for regular full-time employees. For both regular full-time and regular part-time employees, all unused, accrued leave will carry over to the following year.

Sick leave accrual balances will be updated each pay period. Employees can view their paid sick leave accrual balance and usage through the City's Employee Self Service (ESS) portal.

For purposes of this policy, the paid sick leave accrual, usage, and carryover is based on the calendar year which is January 1 through December 31.

IV. Frontloading of Sick Leave

Unless a collective bargaining agreement provides otherwise or at the City's discretion and with appropriate notification, the City may frontload paid sick leave hours into a new employee's sick leave bank based on a reasonable calculation. The notification will provide details of the amount of frontloaded sick leave hours including the calculation used to determine the frontloaded hours, the paid sick leave accrual year and eligibility details. Unused frontloaded paid sick leave balances are subject to the carryover provisions of this policy.

The City will provide notification to an employee for each paid sick leave frontloading period, including 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 an employee's frontloaded paid sick leave is less than the amount that they were entitled to accrue, the City will make any additional amounts of paid sick leave available to the employee to use, no later than 30 days after the discrepancy is identified.

If an employee uses more paid sick leave than the employee would have accrued without frontloading, the City will not seek reimbursement from the employee for the paid sick leave used.

V. Eligibility to Use Paid Sick Leave

Employees are eligible to use accrued paid sick leave 30 days after starting their employment unless otherwise provided in a collective bargaining agreement as long as the collective bargaining agreement's waiting period is less than 90 days from the start of employment. Sick leave usage will be calculated in 15-minute increments.

VI. Authorized Uses of Paid Sick Leave

Paid sick leave may be used for the following:

- An employee's physical or mental illness, injury or health condition including the employee's need for medical diagnosis, care and/or treatment of a physical or mental illness, injury or health condition;
- Employee preventative care such as a medical, dental or vision appointment and/or treatment;
- Care of a family member with a physical or mental illness, injury or health condition including the family members need for medical diagnosis, care and/or treatment of a physical or mental illness, injury or health condition;
- Family members preventative care such as a medical/dental/vision appointment;
- Closure of the employee's place of business or his or her child's school/place of care by order of a public official for health-related reasons;
- Absences that qualify for leave if the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking include:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault or stalking;
- Attending health care treatment for a victim who is the employee's family member;
- Obtaining or assisting the employee's family member(s) in obtaining services from: a domestic violence shelter, a rape crisis center or a social service agency for relief from domestic violence, sexual assault or stalking.
- To obtain or assist a family member in obtaining mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence sexual assault or stalking.
- Participating, for the employee or for the employee's family member(s) in: safety planning, temporary or permanent relocation, or other actions to increase the safety from future incidents of domestic violence, sexual assault or stalking.

VII. Definition of Family Member

Family members includes any of the following:

- A child, including 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 the age or dependency status;
- A 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;
- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild; or
- A sibling..

VIII. Reasonable Notice for the Use of Paid Sick Leave

Employees must provide reasonable advance notice to their direct supervisor or designee for an absence from work for the use of paid sick leave to care for self or a family member.

Unless otherwise stated in a collective bargaining agreement, if an employees' absence is foreseeable, the employee should notify their direct supervisor or designee at least 10 days in advance, or as early as possible, before the first day of paid sick leave is used. If possible, the notification should include the duration of the absence.

If an employees' absence is not foreseeable, the employee must contact their direct supervisor or designee as soon as possible but no later than one (1) hour before the employees required start time. In the event it is not possible for the employee to provide such advance notice, a person on the employee's behalf may provide such notice. Notice should include the expected duration of the absence.

IX. Reasonable Notice for the Use of Paid Sick Leave for Domestic Violence Leave

An employee must give advance oral or written notice to their direct supervisor or designee for the foreseeable use of paid sick leave to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault or stalking.

If an employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee's family member being a victim of domestic violence, sexual assault or stalking, the employee or a designee must give oral or written notice to the direct supervisor or designee no later than the end of the first day that the employee takes such leave.

X. Replacement Worker

The City will not require that the employee requesting leave to find a replacement worker as a condition of an employee taking paid sick leave.

XI. Confidentiality

All information provided concerning the use of paid sick leave is subject to the City's confidentiality policy and procedure.

XII. Rate of Pay and Incremental Use of Paid Sick Leave

Paid sick leave hours will be compensated at the employee's regular rate of pay. Unless otherwise provided in a collective bargaining agreement, paid sick leave under this policy will not count towards the calculation of overtime.

XIII. Verification for Absences Exceeding Three Days

Unless otherwise provided in a collective bargaining agreement, an employee seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is/was for an authorized purpose.

When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is/was required to work, acceptable verification may include:

- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is necessary to care for the employee or an employee's family member; or
- A written or oral statement from the employee indicating that the use of paid sick leave is necessary to take care a family member.

When an employee or the employee's family member has been a victim of domestic violence, sexual assault or stalking, the employee's choice of any of the following documents, or any combination thereof, satisfy this verification requirement:

- A written statement that the employee or an employee's family member is a victim of domestic violence, sexual assault or stalking and that the leave was taken to address related issues.
- A police report indicating that the employee or the employee's family member was a victim of domestic violence;
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault or stalking;
- A court order of protection;
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
 - An advocate for victims of domestic violence, sexual assault or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related issues:

- Notice of closure by a public health official received regarding the employee's child's school or place of care.

If verification is requested, it must be submitted within fifteen (15) calendar days after the first day an employee used paid sick leave to care for themselves or a family member. Employees are not required to provide details concerning the specific nature of the health condition in order to use paid sick leave unless otherwise required by law.

If the employee believes that obtaining verification for the use of paid sick leave would result in an unreasonable burden or expense, please contact the Human Resources Department by phone, in person or in writing to advised why verification would result in an unreasonable burden or expense. The Human Resources Department will work with the employee to identify a suitable alternative for the employee to satisfy the verification requirement without resulting in an unreasonable burden.

The City has discretion to not pay an employee for paid sick leave taken in excess of three (3) consecutive days until sufficient verification is provided by the employee.

XIV. Sick Leave Abuse

Sick leave is available only for the reasons listed above. Any employee who abuses the sick leave policy by falsification, misrepresentation or otherwise failing to follow the provisions of this policy shall be subject to disciplinary action up to and including discharge.

XV. Sick Leave Pay Out

Represented employees should refer to their collective bargaining agreement to determine their sick leave pay out upon termination of employment. For regular full-time and regular part-time non-represented employees, any unused sick leave at the time of termination of employment will be converted to pay on the following basis:

- A. Termination: voluntary or discharge
5 hours of up to 720 hours unused sick leave = 1-hour pay (maximum pay out of 144 hours)
- B. Termination by layoff
3 hours of up to 720 hours unused sick leave = 1 hour pay (maximum pay out of 240 hours)
- C. Retirement under PERS/LEOFF II/PSERS
Employees with less than 1,000 hours of accrued sick leave:
Up to 192 hours - 1 hour unused sick leave = 1 hour pay.
Balance of unused sick leave (up to 528 hours) - 3 hours unused sick leave = 1 hour pay. (maximum pay out of 368 hours)
Employees with more than 1,000 hours of accrued sick leave:
First 100 hours - 1 hour unused sick leave = 1 hour pay.
Hours from 101 to 1,600 – paid at 30% (For each hour of accrued sick leave, the employee will receive 30% of one hour of pay with a maximum pay out of 550 hours.)

Part-time, seasonal and temporary employees will not receive a sick leave pay out upon termination. Any unused, accrued sick leave will be deleted without pay out, subject to Section XVI (Reinstatement of Employment provision) below.

XVI. Reinstatement of Employment

If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employees paid sick leave balance as long as the employee did not receive a sick leave pay out.

An employee who is rehired within 12 months of separation will not be required to satisfy a waiting period, as provided in Section V (Eligibility to Use Paid Sick Leave) above.

If the reinstated employee satisfied the waiting period requirement during the employee's previous duration of employment, the employee can immediately begin using accrued sick leave. If the reinstated employee did not meet the waiting period requirement during the employee's previous duration of employment, the previous duration will be credited toward the waiting period for purposes of determining the employees' eligibility to use paid sick leave.

XVII. Shared Leave

The City of Lynnwood has a Shared Leave Program which provides employees the opportunity to receive and use donated paid sick leave and to donate their sick leave to another employee. Employees must apply to receive and/or donate shared leave through their department assigned Human Resources Analyst in the Human Resources Department.

XVIII. Sick Leave Incentive

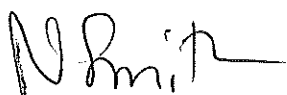
Employees using 26 (twenty-six) or less hours of sick leave during the first half or second half of a calendar year may opt to receive eight (8) hours pay on the second pay period in July and January respectively and have eight (8) hours of sick leave accruals deducted from their earned sick leave. Regular part-time employees will have a pro-rated benefit, based on the number of hours they are allocated to work. Part-time/seasonal/temporary employees are not eligible for sick leave incentive.

XIX. Retaliation Prohibited

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights under WAC 296-128-770 is prohibited.

If an employee feels they are being discriminated or retaliated against, the employee may contact the Human Resources Director. If an employee is not satisfied with the City's response, the employee may contact the Washington State Department of Labor & Industries at 1-866-219-7321 or online at www.Lni.wa.gov/WorkplaceRights.

Approved:



Nicola Smith, Mayor

12/13/2017

Date