



Paid Sick Leave for Temporary Hourly Employees

Presented by:
Human Resource Services
and Payroll Services

January 2018



Today's Objectives

- Review rules regarding Paid Sick Leave for Temporary Hourly employees
- Review recording requirements of Paid Sick Leave Hours
- Review processing and payment of Paid Sick Leave hours

Policies and Regulations

- Revised Code of Washington (RCW)
- Washington Administrative Codes (WAC)
- Business Policies & Procedures Manual (BPPM)
- Fair Labor Standards Act
- Minimum Wage Requirements and Labor Standards

Overview

Initiative 1433 (I-1433) was approved by Washington voters in November 2016 and included the following changes to state law:

- Beginning January 1, 2018, employers are required to provide paid sick leave (PSL) to their employees. 1 hour for every 40 hours worked
- Increases the state minimum wage rate
 - \$11.50 January 1, 2018
 - \$12.00 January 1, 2019
 - \$13.50 January 1, 2020
- Protects employees from retaliation when exercising their rights under the Minimum Wage Requirements and Labor Standards Act.

Overview

Eligible temporary hourly employees accrue PSL for all hours worked, including overtime hours.
(RCW 49.46.200, WAC 296-128-620, BPPM 60.43)

For purposes of the PSL policy, eligible temporary hourly employees are:

- Non-Student hourly appointments
- Student hourly appointments
- Work-study appointments

Not eligible appointments include:

- Faculty appointments including Faculty Timecard
- Overtime-Exempt Civil Service & AP
- Affiliate, Adjunct & Visiting Scholar appointments
- Graduate Assistants, Professional students & ASWSU appointments

Leave Accrual

- PSL accrues at 1 hour of paid sick leave for every 40 hours worked. (WAC 296-128-620)
 - Hours worked INCLUDES overtime hours
 - Hours worked INCLUDES hours worked in work-study appointment
 - Hours worked does NOT include PSL hours used
- Paid Sick Leave accrual will be generated through Positive Pay each pay cycle.
- Employees with multiple appointments accrue PSL based on the number of hours worked *across all eligible appointments*.

Leave Accrual

- Employees accrue PSL upon commencement of their appointment.
- PSL cannot be used until the 1st day of the month following accrual.
- Unused PSL of 40 hours or less is carried over to the following calendar year.
- Unused PSL exceeding 40 hours on December 31 each year will be forfeited.

Separation and Re-employment

- PSL is NOT paid out when employee separates or their appointment ends.
- Temporary hourly employees rehired within 12 months of separation must have unused PSL reinstated and available for use at commencement of re-employment into:
 - Temporary hourly (student, non-student, work-study)
 - Overtime-eligible civil service position
 - Overtime-eligible AP position

Leave Accrual Balances

- PSL is calculated each pay cycle based on the number of hours worked across all eligible appointments.
- PSL balances are viewable :
 - Employees - MyWSU Portal
 - Personnel administrators – DEPPS - QE EMP

Employee View of PSL Balances

HOURLY SICK LEAVE	
Hourly Sick Leave Accrued in the Month of December	0.00
Hourly Sick Leave Used during Pay Period 12/16/17 through 12/31/17	0.00
Hourly Sick Leave Balance:	0.00

Authorized Use of Paid Sick Leave

Employees may use accrued PSL for:

- An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care (RCW 49.46.210);
- To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care (RCW 49.46.210);
- When the University 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 (RCW 49.46.210); and
- An employee is authorized to use PSL for absences that qualify for leave under the domestic violence leave act, chapter RCW 49.76.

**Authorized Use of Paid Sick Leave
Definition of Family Member**

For the purposes of this policy and in accordance with RCW 49.46.210, the term "family member" means any of the following:

- Child - 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;
- Parent - 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;
- Spouse;
- Registered Domestic Partner;
- Grandparent;
- Grandchild; or
- Sibling

Reporting Paid Sick Leave

- Employees must notify their supervisor as soon as reasonably possible when they will be absent due to illness, injury, or other reason for authorized usage of PSL.
- For absences exceeding 3 days, WSU may require written medical verification that the employee's use of PSL is for an authorized purpose, provided that the verification does not result in an unreasonable burden or expense on the employee. RCW 49.46.210(1)(b) and (c).
- Employees have the right to assert the verification requirement results in an unreasonable burden or expense on the employee. The employee may provide an oral or written explanation and must provide verification within a reasonable time period during or after the leave. WAC 296-128-660

Shift Swapping

- WAC 296-128-720 – Shift Swapping
- Employer may not require the employee to search/find a replacement worker to cover the hours during which the employee is using PSL
- Upon mutual agreement by the employer and employee, an employee may work additional hours or shifts or trade shifts in lieu of using available PSL for missed hours/shifts that qualify for the use of PSL

Paid Sick Leave Processing

- PSL is paid at the hourly rate the employee would have earned during their scheduled shift.
- For employees with multiple appointments, PSL is paid at the hourly rate the employee would have earned for the shift they were scheduled when they used PSL.
- The cost of PSL is charged to the department budget associated with the appointment, at the hourly rate they would have earned for the shift they were scheduled to work, at the time PSL was used.
- For work-study appointments, the hours worked count towards the accrual of PSL. The cost of PSL **cannot** be charged to work-study funds. PSL will be charged to the department budget associated with the work-study appointment.

Paid Sick Leave Processing

- Temporary hourly appointments cannot exceed 1 year in duration.
- Temporary hourly appointments must be paid at an hourly rate. Piece rate appointments are only allowed for exceptional circumstances.
- Overtime-eligible civil service employees with LWOP exceeding 80 hours in a month (pro-rated for part-time) **accrue sick leave prorated to the number of hours in pay status**. WAC 357-31-121
- Overtime-exempt civil service employees with LWOP exceeding 80 hours in a month (pro-rated for part-time) **do not** accrue sick leave. WAC 357-31-120
- Overtime-eligible AP employees receive sick leave prorated to the number of hours in pay status each month.

Paid Sick Leave Processing

- Temporary hourly employees record the number of hours worked each day on the Daily Activity Report. (BPPM 60.61, 60.61.4)
- Paid sick leave hours used must be recorded on the Daily Activity Report for the workday PSL was used.
- Departments enter hours worked and PSL hours used into Positive Pay each pay cycle in accordance with the Payroll Document Schedule. BPPM 55.22

The screenshot shows a form titled "TEMPORARY APPOINTMENT" with fields for "EMPLOYEE INFORMATION", "APPOINTMENT INFORMATION", and "PAY STATUS". It includes checkboxes for "Full-time", "Part-time", and "Seasonal", and a section for "Department Use Only" with fields for "Department", "Position", "Grade", "Rate", "Pay Status", "Start Date", and "End Date".

PSL Earning Types

- HRY (Hourly Non-Student) = HRS (Hourly Non-Student Sick)
- SHR (Student Hourly) = SHS (Student Hourly Sick)
- HRP (Non-Student Hourly PERS)=HPS (Non-Student Hourly PERS Sick)

Paid Sick Leave Processing

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AS OF 02:41 PM, 5.003 HRS AVAILABLE, EXIT PPAYENT OR REDUCE HR
Sick leave Entry for NSU ID
for pay cycle ending 06/15/18
As of 02:39 PM 5.003 sick leave hours are available
Enter leave hours: 6.00
and press PF8 to add a sick leave entry
- OR -
Press PF7 to delete selected sick leave entry
- OR -
Press PF12 to exit
  
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Notification Requirements

Departments must provide employees written notification of their entitlement to PSL, the rate they will accrue PSL, the authorized purposes PSL may be used, and that retaliation for the lawful use of PSL and other rights provided under RCW 49.46, and all applicable rules, is prohibited. WAC 296-128-760

- Employees hired on January 1, 2018 or later must be provided with notification upon hire.
- Existing employees as of January 1, 2018, must be provided notification no later than March 1, 2018.

➤ *The Conditions for Temporary Employment provides the required notification*

RETALIATION

Washington State University cannot interfere with, restrain, or deny the exercise of any employee right provided under or in connection with chapter 49.46 RCW. WAC 296-128-770(1)

WSU may not use an employee's exercise of any of the rights provided under chapter 49.46 RCW as a negative factor in any employment action such as evaluation, promotion, or termination, or otherwise subject an employee to discipline for the exercise of any rights provided under chapter 49.46 RCW. WAC 296-128-770(1)

It is unlawful for WSU to adopt or enforce any policy that counts the use of PSL for a purpose authorized under RCW 49.46.210(1)(b) and (c) as an absence that may lead to or result in discipline against the employee. WAC 296-128-770(2)

Additional Information & Resources

- Department of Labor & Industries
 - www.lni.wa.gov
- Human Resource Services
 - www.hrs.wsu.edu
- Payroll Services
 - www.payroll.wsu.edu

Contact Information

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 Lisa Neal, Director of Records & Administration
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Payroll Services 335-9575
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This has been a WSU Training Videoconference

If you wish to have your attendance documented in your training history, please notify Human Resource Services within 24 hours of today's date:

hrstraining@wsu.edu
