

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WASHINGTON STATE UNIVERSITY
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 the 2017-2019 Collective Bargaining Agreement to incorporate the changes in the law effective January 1, 2018.

**ARTICLE 18
SICK LEAVE**

18.1 SICK LEAVE

A. **Sick Leave Accrual**

1. Full-time employees will accrue eight (8) hours per month of sick leave.
2. Sick leave accrual will be pro-rated for less than full-time employees.
3. Employees with leave without pay exceeding eighty hours in a month (prorated for part-time) will accrue a minimum of one hour of sick leave for every forty hours worked.

B. **Sick Leave Uses:** Accrued sick leave may be used only for:

1. The employee's mental or physical illness, disability, injury, or health condition that has incapacitated the employee from performing required duties; 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;
2. The need to care for the employee's 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.
 - a. For purposes of this section, "family member" means any of the following: a 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; 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 as defined by RCW 26.60.020 and 26.60.030, grandparent, grandchild, sibling;

3. The employee will make reasonable efforts to schedule such appointments at times so that they will not interfere with scheduled work days;
4. Disability Leave as outlined in Article 21.9 for the continuation of employee benefits (i.e. medical insurance) by allowing the use of eight (8) hours of sick leave per month during periods of leave of absence without pay;
5. Leave for victims of domestic violence, sexual assault, or stalking as outlined in Article 21.8;
6. Supplementing Workers' Compensation payments;
7. Parental Leave as outlined in Article 21;
8. Emergency Child Care as outlined in Article 21;
9. 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 closures for inclement weather;
10. During a period of military conflict, an employee whose spouse is a member of military who has been notified of an impending call or order to active duty or who has been deployed is entitled to a total of fifteen days of unpaid leave per deployment. Applicable military units are the Armed Forces of the United States, National Guard, or reserves in accordance with RCW 49.77.
11. By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.
12. For bereavement.

13. Other circumstances when authorized by the Chief Human Resource Officer

C. **Sick Leave Utilization**

1. Sick leave reporting will reflect the amount of time actually used.
2. Accrued annual leave may be used for sick leave purposes as defined in “B” immediately above subject to all provisions of this Article.

D. **Sick Leave Reporting and Verification:** An employee must notify his/her supervisor as soon as the employee becomes aware that he/she will be absent from or late arriving to work. Failure to notify the supervisor prior to the start of the scheduled work shift will result in unauthorized leave without pay until the employee notifies his/her supervisor, at which time the unauthorized leave may be changed to authorized leave. The University may require a written medical certificate for any sick leave absence of more than three (3) work days, provided that the verification does not result in an unreasonable burden or expense on the employee. If medical verification is required for employees it shall be in accordance with the provisions of RCW 49.46.201 and WAC 296.128.

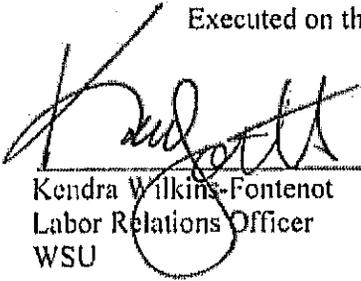
E. **Sick Leave Annual Cash Out:** Each January, employees are eligible to receive cash on a one (1) hour for four (4) hour basis for ninety-six (96) hours or less of their accrued sick leave, if:

1. Their sick leave balance at the end of the previous calendar year exceeds four hundred and eighty (480) hours;
2. The converted sick leave hours do not reduce their previous calendar year sick leave balance below four hundred and eighty (480) hours; and
3. They notify Human Resource Services 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.
4. All hours converted will be deducted from the employee’s sick leave balance.

F. **Sick Leave - Former Employee:** Any former employee who is reemployed in a job classification covered under this Agreement within three (3) years of separation from the University will have their former sick leave balance restored.

G. Should WAC 357-31 yield higher leave benefits, applicable to WSU civil service employees, than provided for in this, the University will follow the applicable WAC for employees covered by this Agreement

Executed on this day of July 19, 2018 for and on behalf of:


Kendra Wilkins-Fontenot
Labor Relations Officer
WSU


Mark Hamilton
Labor Advocate
WFSE

**Article Superseded by July 19, 2018 WSU/WFSE Memorandum of
Understanding Concerning Sick Leave**

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1. Sick leave accrual will be pro-rated for less than full-time employees.
2. An employee in a leave without pay status for more than ten (10) full days total in a calendar month will not accrue any sick leave for the month.

B. Sick Leave Uses: Accrued sick leave may be used only for:

1. The employee's own illness, injury or disability (including disability due to pregnancy or childbirth);
2. The need to care for the employee's family member with a health condition requiring treatment or supervision;
3. Medical or dental appointments for the employee or his/her family member. The employee will make reasonable efforts to schedule such appointments at times so that they will not interfere with scheduled work days;
4. The continuation of employee benefits i.e. medical insurance by allowing the use of eight (8) hours of sick leave per month during periods of leave of absence without pay;
5. Supplementing workers compensation payments;
6. Parental Leave as outlined in Article 21;
7. Other circumstances when authorized by the Chief Human Resource Officer.

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