

**YAKIMA COUNTY  
WA STATE PAID SICK LEAVE POLICY  
POLICY NO. HR-29**

**I. PURPOSE**

In accordance with Initiative 1433, which was approved by Washington voters in the fall 2016, WA State Paid Sick Leave (WPSL) is available for all Non-Exempt Employees to care for their health and the health of their family members effective January 1, 2018. Yakima County has agreed to make this leave available to Exempt employees as well. This leave will be used in conjunction with other paid leaves as required by County policy, federal or state law and/or bargaining agreement.

Provisions of negotiated collective bargaining agreements (labor contracts) which conflict with this policy take precedence over this policy to the extent applicable.

**II. DEFINITIONS**

A. **Employee.** Exempt and non-exempt employees of Yakima County, excluding Elected Officials.

B. **Family member.** Qualifying Family member includes:

1. Child (biological, adopted, foster, step child, 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
2. Biological, de facto or foster parent, step parent or legal guardian of an employee or the employee's spouse or registered domestic partner or the person who stood in loco parentis when the employee was a minor child
3. Spouse
4. Washington State Registered domestic partner
5. Grandparent
6. Grandchild
7. Sibling

C. **Accrual Year.** The period beginning January 1 through December 31 of any given year.

D. **Designee.** Person defined by the employee to provide notification to Yakima County.

**III. NOTIFICATION**

A. Upon offer of employment, Employees will be provided with an Employee WA State Paid Sick Leave (WPSL) Notification (Appendix A) that contains information regarding:

1. Authorized use of WPSL

2. Yakima County's WPSL accrual year
  3. Accrual rate / increments of use/ rate of pay at time of use
  4. Carryover of WPSL
  5. Eligibility for use
  6. Protection from retaliation
- B. During employment, employees will be notified of their WPSL balances on their pay stub and/or in the system of record, including:
1. Accrued WPSL since the last notification
  2. Used WPSL since the last notification
  3. Current balance of WPSL available for use

Employees may view their WPSL balances at any time.

#### **IV. ACCRUAL**

- A. Eligible employees will accrue WPSL at a rate of one (1) hour for every 40 hours worked. There is no cap on the number of WPSL hours that may be accrued in a payroll year. For exempt employees, WPSL will accrue on regular hours worked and compensatory time earned (straight time) if reported through payroll.

Examples of Accruals for January 2018:

1. Exempt or Non-Exempt Employee working 8 hours a day for 21 days (holiday pay is excluded) during the pay period (month) with no paid time off or leave without pay will accrue 1 hour for every 40 hours worked, or 4.20 hour for the pay period (8 hours \* 21 days \* 0.025).
  2. Non-Exempt Employee working 7.5 hours a day for 21 days (holiday pay is excluded) during the pay period (month) with no paid time off or leave without pay will accrue 1 hour for every 40 hours worked, or 3.94 hours for the pay period.
  3. Non-Exempt Employee working 4 hours a day for 21 days (holiday pay is excluded) during the pay period (month) with no paid time off or leave without pay will accrue 1 hour for every 40 hours worked, or 2.10 hours for the pay period.
  4. Non-Exempt Employee working 8 hours a day for 21 days (holiday pay is excluded) during the pay period (month) with no paid time off or leave without pay, but with 10 hours overtime. The Employee will accrue 1 hour for every 40 hours worked, or 4.45 hours for the pay period.
- B. Employees are eligible to accrue WPSL after the first day of employment.

#### **V. PAYROLL**

- A. WPSL shall be charged based on what is available to the employee and required to cover the absence.

- B. Monetary compensation will be calculated at an employee's regular rate of pay, excluding overtime rates.
- C. WPSL hours will not count towards the calculation of overtime.
- D. Unused WPSL balances of 40 hours or less will be carried over at the end of the Accrual Year. All hours over 40 hours will be forfeited with no monetary value.
- E. Upon separation from employment, any unused WPSL is forfeited without payment.
- F. If the separated employee is rehired within 12 months and in the following Accrual Year, the accrued WPSL balance must be reinstated up to 40 hours. If the employee is rehired within 12 months and in the year of termination, all WPSL hours is restored. Employees rehired within the layoff period after a reduction in force will have their previous balance restored or as required by Federal or State employment laws or legal counsel.
- G. If an Employee is rehired within 12 months of separation, the Employee will not be required to wait another 90 days to use the accrued WPSL if the Employee met that requirement during the previous period of employment.
- H. If an Employee did not meet the 90-day requirement for the use of WPSL prior to separation, the previous period the Employee worked for Yakima County will count towards the 90 days for purposes of determining the Employee's eligibility to use WPSL.

## VI. AUTHORIZED USES

- A. Employees are eligible to use accrued WPSL after 90 days of employment.
- B. Only hours accrued in the WPSL Time Bank are available for use.
- C. The Department Head/Elected Official is prohibited from authorizing use of hours not reported on the pay stub.
- D. WPSL may be used for the following reasons:
  1. **Employee's Health.** An Employee's mental or physical illness, injury or health condition; preventive care such as a medical, dental or optical appointments and / or treatment;
  2. **Family Member's Health.** Care of a family member with an illness, injury, health condition and/or preventive care such as a medical / dental / optical appointment;
  3. **Public's Health.** Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
  4. **Victim of Domestic Violence.** If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking. Authorized use of for domestic violence, sexual assault or stalking includes:
    - a. Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's 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.
- b. Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
  - c. Attending health care treatment for a victim who is the employee's family member.
  - d. Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
  - e. 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.
  - f. Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

## VII. NOTICE OF USE

The employee or designee is responsible for providing reasonable notice in advance of an absence from work for the use of WPSL. Notice should be provided to the employee's supervisor or designated person within the employee's department responsible for receiving notification.

- A. **Foreseeable Absences.** Notice must be received by the supervisor at least 10 calendar days before the first day is used or as early as practicable and in accordance to the employee's department leave use/reporting procedures. Notification should include the expected duration of the absence.
- B. **Unforeseeable Absences.** Contact with the supervisor or designated person must be made as soon as possible before the required start of shift and in accordance to the employee's department leave use/reporting procedures. For Domestic Violence situations, notice is required by end of the shift. Notification should include the expected duration of the absence.
- C. **Coordination of Leaves.**
  1. WPSL is required to be used if the employee is eligible and leave is available, unless the purpose is a foreseeable absence and the Department Head/Elected Official approves the use of leave from another time bank.
  2. All other leaves (Annual Leave, Paid Time Off (PTO), Sick Leave, ESL, other paid time off banks) can be used at the employee's discretion and in coordination with County and Departmental policies.
  3. Approved Leave Without Pay – refer to HR-012, Leave of Absence Policy.

## VIII. VERIFICATION OF ABSENCES

Verification establishes or confirms that the use of WPSL is for an authorized purpose. Employees are not required to provide any details concerning the specific nature of the health condition to use WPSL, unless otherwise required by law. Any information the employee provides will be kept confidential.

A. **Verification** is required for an absence for more than three (3) consecutive days for which the employee was scheduled to work for the following:

1. **Medical Illness:** Acceptable verification may include:

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

2. **Domestic Violence / Sexual Assault / Stalking:** Acceptable verification may include:

- a. 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.
- b. A police report indicating that the employee or the employee's family member was a victim of domestic violence;
- c. 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;
- d. A court order of protection;
- e. 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

3. **Public Health:** Acceptable verification is a notice of closure by a public official that the employee received regarding the employee's child's school or place of care.

B. **Unreasonable Burden or Expense for Verification.** If an employee believes obtaining verification for use of WPSL would result in an unreasonable burden or expense, the employee should contact the Elected Official or Department Head and indicate orally or in writing that the absence for the specified dates in question were for an authorized purpose and explain why verification would result in an unreasonable burden or expense.

Within ten (10) calendar days of receiving the request, the Elected Official or Department Head will assist the employee in identifying an alternative for the employee to meet the verification

requirement in a way that does not result in an unreasonable burden or expense. Possible options may include, but are not limited to:

1. Company-provided transportation;
2. Sharing the cost of getting a note from a medical provider;
3. Providing a note of explanation in lieu of other forms of verification; or
4. Exempting the employee from the verification requirement based on their explanation

The Elected Official or Department Head has the discretion not to pay an employee for WPSL taken in excess of three (3) consecutive work days until verification is provided.

An employee has the right to contact Yakima County Human Resources if he/she believes the proposed alternative still results in an unreasonable burden or expense.

If an employee is not satisfied with the alternatives, he/she may consult with the Washington State Department of Labor and Industries by contacting:

Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)

Call: 1-866-219-7321, toll-free

Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)

Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

## **IX. RETALIATION**

Any discrimination or retaliation against an employee for lawful exercise of WA State Paid Sick Leave rights is not allowed. Employees will not be disciplined for the lawful use of WPSL.

If an employee feels they are being discriminated or retaliated against, the Employee may contact Yakima County Human Resources at (509) 574-2210 or [human.resources@co.yakima.wa.us](mailto:human.resources@co.yakima.wa.us).

If an Employee is not satisfied with Yakima County's response, the Employee may contact the Washington State Department of Labor & Industries.

Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)

Call: 1-866-219-7321, toll-free

Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)

Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

**Employee WA State Paid Sick Leave (WPSL) Notification**

You are entitled to accrue WA State Paid Sick Leave (WPSL) beginning January 1, 2018. This leave will accrue at one (1) hour of paid sick leave for every 40 hours you work.

You will need to have been employed at least 90 days to use WPSL.

You may use WPSL for the following reasons:

- To care for yourself or a family member
- When you or a family member is the victim of sexual assault, domestic violence, or stalking.
- In the event your work location or your child’s school or place of care is closed by a public official for any health-related reason.

Yakima County’s Accrual Year is January 1<sup>st</sup> to December 31<sup>st</sup>. Forty (40) hours of unused, accrued WPSL will be carried over to the next Accrual Year. Accrued, unused WPSL over 40 hours will be forfeited.

Retaliation for use of WPSL for authorized purposes is prohibited.

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Printed Employee’s Name                      Employee’s Signature                      Date

Copy: Employee’s File