

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

Signed Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901

I. PURPOSE

In compliance with Initiative 1433, which was approved by Washington voters in 2016, Washington State Paid Sick Leave (WPSL) has been available to all non-exempt employees, since January 1, 2018. Yakima County also extends this leave benefit 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 applicable bargaining agreements.

In cases where sections of a negotiated collective bargaining agreement (labor contracts) conflict with this policy, the collective bargaining agreement will take precedence over this policy to the extent applicable.

II. DEFINITIONS

1. **Employee:** All exempt and non-exempt employees of Yakima County, excluding Elected Officials.
2. **Family member:** Qualifying Family member includes:
 - A. Child (biological, adopted, foster, stepchild, or any child under the legal care of the employee, due to in loco parentis, legal guardianship or is a de factor parent) regardless of age or dependency status.
 - B. Parent (biological, de facto, foster parent, stepparent or legal guardian) of the employee or the employee's spouse or registered domestic partner, or anyone who acted in loco parentis when the employee was a minor.
 - C. Spouse or registered domestic partner (as recognized by Washington State)
 - D. Grandparent
 - E. Grandchild
 - F. Sibling
3. **Accrual Year:** January 1 through December 31 of any given year.
4. **Designee:** A person designated by the employee to provide notification to Yakima County regarding taking leave.

III. NOTIFICATION

1. **Upon Employment:** New employees will receive an Employee WA State Paid Sick Leave (WPSL) Notification (Appendix A) detailing:
 - A. Authorized uses of WPSL
 - B. Yakima County's WPSL accrual year
 - C. Accrual rate, increments of use, rate of pay at the time of use

- D. Carryover of WPSL
- E. Eligibility for use
- F. Protection from retaliation

2. **During Employment:** Employees can view their WPSL balance on their pay slip or within the system of record, including:
 - A. Accrued WPSL since the last notification
 - B. Used WPSL since the last notification
 - C. Current balance of WPSL available for use

IV. ACCRUAL

1. **Accrual Rate:** 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. Exempt employees will accrue WPSL based on regular hours worked and compensatory time earned (straight time) if reported through payroll.

Examples of Accruals

- A. An employee working 8 hours a day for 21 days (holiday pay is excluded) in a month, with no paid time off or leave without pay, will accrue 4.20 hours of WPSL (8 hours * 21 days * 0.025).
 - B. An employee working 7.5 hours a day for 21 days (holiday pay is excluded) in a month, with no paid time off or leave without pay, will accrue 3.94 hours of WPSL.
 - C. An employee working 4 hours a day for 21 days (holiday pay is excluded) in a month, with no paid time off or leave without pay, will accrue 2.10 hours of WPSL.
 - D. An employee working 8 hours a day with 10 hours of overtime for 21 days (holiday pay is excluded) in a month, with no paid time off or leave without pay, will accrue 4.45 hours of WPSL.
2. **Eligibility for Accruals:** Employees begin accruing WPSL on their first day of employment.

V. PAYROLL

1. **Usage:** WPSL will be charged based on available hours.
2. **Compensation:** Monetary compensation will be calculated at the employee's regular rate of pay, excluding overtime.
 - a. WPSL hours do not count towards the calculation of overtime.
3. **Carryover:** Up to 40 hours of unused WPSL will be carried over to the next Accrual Year. All unused WPSL over 40 hours will be forfeited with no monetary value.
4. **Separation:** Unused WPSL is forfeited without payment upon separation from employment.
5. **Reinstatement:** If an employee is rehired within 12 months, and in the next accrual year, the accrued WPSL balance up to 40 hours will be reinstated. If an employee is rehired within 12 months and in the

year of termination, all WPSL hours will be reinstated. If an employees is rehired within the layoff period after a reduction in force, they will have their previous balance restored as required by law or legal counsel.

6. **90-Day Waiting Period Requirement:** Employees are entitled to use WPSL 90 calendar days after their first day of employment.
 - A. An employee who is rehired within 12 months and met the 90-day requirement in their previous period of employment will not be required to wait another 90 days to use accrued WPSL.
 - B. An employee who is rehired within 12 months and did not meet the 90-day requirement for the use of WPSL before separation, will have the previous period of employment counted towards the 90-day requirement.

VI. AUTHORIZED USES

1. **Eligibility:** Employees may use accrued WPSL after 90 days of employment.
2. **Availability:** Only hours accrued in the WPSL Time Bank are available for use.
3. **Departmental Authorization:** The Elected Official or Department Head has the discretion not to pay an employee for WPSL taken in excess of three (3) consecutive workdays until verification is provided.
4. **Permitted Uses of WPSL:** WPSL may be used for the following reasons (as outlined at [RCW 49.46.210](#) (1)(b) and (c):
 - A. Employee or family member’s health care, including illness, injury; physical or mental health conditions, doctor or dental visits, and preventative care.
 - B. Public health-related closures affecting the employee’s workplace, child’s school or daycare by order of a public official for any health-related reason;
 - C. Leave from work for reasons that qualify under the Washington State’s Domestic Violence Leave Act (DVLA).

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.

1. **Foreseeable Absences:** Employees must provide notice to their supervisor at least 10 calendar days before the first day of WPSL use, if foreseeable, or as early as practicable, following department leave use/reporting procedures. The notification should include the expected duration of the absence.

2. **Unforeseeable Absences:** Contact with the supervisor or designated person must be made as soon as possible before the start of the shift, and following department leave use/reporting procedures. For Domestic Violence situations, notice is required by the end of the shift. The notification should include the expected duration of the absence.
3. **Coordination of Leaves:**
 - A. WPSL should 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.
 - B. All other time offs (Annual Leave, Paid Time Off (PTO), Sick Leave, Extended Sick Leave (ESL), other paid time off banks) can be used at the employee's discretion and in coordination with County and Departmental policies.
 - C. Refer to HR-012, Leave of Absence Policy, for unpaid leave.

VIII. VERIFICATION OF ABSENCES

Verification may be required to confirm that WPSL is used for an authorized purpose. Employees are not required to provide details of their health condition to use WPSL, unless required by law. All information the employee provides will be kept confidential.

1. **Illness or Injury:** Verification is required for an absence exceeding three (3) consecutive scheduled workdays.
 - A. Acceptable forms of verification may include:
 - 1) A medical note or a signed statement from a health care provider, indicating that the use of WPSL is necessary to care for the employee themselves or a family member; or
 - 2) If the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee must be allowed to provide 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. See section D below on Unreasonable Burden or Expense for Verification for more details.
2. **Domestic Violence / Sexual Assault / Stalking:** Acceptable forms of verification may include:
 - A. Police reports or court documents.
 - B. An employee's written statement.
 - C. A statement from a provider, clergy, attorney, or advocate.

Note: The employee is not required to produce or discuss any information with the employer that is beyond the scope of verification or that would compromise the safety of the employee or employee's family member.

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

4. **Unreasonable Burden or Expense for Verification:** If verification for the use of WPSL imposes an unreasonable burden or expense, the employee should contact their 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.
- A. The Elected Official or Department Head will assist the employee in identifying an alternative method of verification. 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.
- B. An employee has the right to contact Yakima County Human Resources if the employee believes the proposed alternative method still results in an unreasonable burden or expense.
- C. If an employee is not satisfied with the alternatives, the employee may consult with the Washington State Department of Labor and Industries by contacting:

Online: www.Lni.wa.gov/WorkplaceRights
Call: 1-866-219-7321, toll-free
Visit: www.Lni.wa.gov/Offices

IX. RETALIATION

1. Any discrimination or retaliation against an employee for the lawful use of WA State Paid Sick Leave is prohibited. Employees will not be disciplined for lawful use of WPSL.
2. 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 to address their concerns.
3. 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
Call: 1-866-219-7321, toll-free
Visit: www.Lni.wa.gov/Offices

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:

1. To care for yourself or a family member
2. When you or a family member is the victim of sexual assault, domestic violence, or stalking.
3. 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 1st to December 31st. 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.

Printed Employee’s Name Employee’s Signature Date

Copy: Employee’s File / Workday Acknowledgement