

Paid Sick Leave for Temporary Hourly Employees

OVERVIEW

Effective January 1, 2018 temporary hourly employees accrue paid sick leave (PSL) for all hours worked, including overtime, in accordance with *RCW* 49.46.200 and *WAC* 296-128-620.

For purposes of this policy, temporary hourly employees are non-student, student, and work-study employees. The calendar year is January 1 through December 31.

Leave Accrual

Temporary hourly employees begin accruing PSL on the first day of a new appointment. PSL accrues at the rate of one hour for every forty hours worked, including overtime hours. Hours worked do not include PSL hours used. *WAC* 296-128-620

PSL is calculated each pay cycle. Employees may use accrued PSL on the first day of the month following accrual.

Employees may view available PSL balances in myWSU. Department personnel administrators may view available PSL balances in DEPPS.

Unused accrued PSL of 40 hours or less must be carried over to the following calendar year. Any unused accrued PSL over 40 hours as of December 31 is lost.

Reporting Leave

Overtime-eligible temporary hourly employees report leave use on the Daily Activity Report. See 60.61.5.

Temporary hourly employees must notify their supervisor as soon as reasonably possible when absent because of illness, injury, or other reason for authorized use of PSL as set forth on 60.43.2.

For absences exceeding three days, the University 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. (*WAC* 296-128-660 (4)) Employees must provide any such required verification within a reasonable time period during or after the leave.

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Authorized Use of PSL

Temporary hourly employees may use their accrued PSL for the following reasons:

- An absence: (*RCW 49.46.210*)
 - Resulting from an employee's mental or physical illness, injury, or health condition;
 - Accommodating the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
 - Resulting in an employee's need for preventive medical care.
- To allow the employee to provide care: (*RCW 49.46.210*)
 - For a family member with a mental or physical illness, injury, or health condition;
 - Of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
 - For a family member who needs preventive medical care.
- 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
- For absences that qualify for leave under the domestic violence leave act (*RCW 49.76*).

Shift Swapping

A department may not require a temporary hourly employee to:

- Attempt to find a replacement worker to cover the employee's work hours in which he or she is using PSL.
- Work additional hours to make up for the time missed when the employee is on authorized PSL.

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Shift Swapping (cont.) If requested by a temporary hourly employee, a department may allow the employee to:

- Work additional hours to make up for the time missed when the employee is on authorized PSL.
- Trade shifts in lieu of using available PSL.

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:

- A child, 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, regardless of 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.

PROCESS

Administration

PSL is paid at the hourly rate that an employee earns for the shift in which PSL is used.

If an employee has more than one appointment, the cost of PSL is charged to the department budget associated with the appointment in which PSL is used.

Hours worked are counted towards the accrual of PSL for students receiving work-study. Payment of PSL cannot be charged to work-study funds. The PSL is charged to the department budget associated with the work-study appointment.

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Administration (cont.)

Temporary hourly employees record the number of hours worked, pieces completed, and PSL hours used each workday on the Daily Activity Report. (See 60.61.5). Departments are responsible for entering this information each pay cycle in accordance with the documents schedule outlined in 55.22.

Separation and Re-employment

Unused accrued PSL is not paid out when a temporary hourly employee separates or his or her appointment ends.

A temporary hourly employee's unused PSL is reinstated and is available for use the first day of a new appointment if the employee is rehired within 12 months of separation into a temporary hourly position, overtime eligible civil service position, or an overtime eligible AP position.

Notification to Employee

Employing departments are required to provide the following documentation to each temporary hourly employee no later than the first day of the employee's appointment:

- "Conditions for Temporary Employment" document,
- Written notice of the conditions of the employee's employment, and
- Written notice of entitlement to PSL.

(WAC 296-128-760 and WAC 357-19-444)

The department should provide the Conditions for Temporary Employment prior to the first day of each appointment and upon any subsequent change to the conditions of the employee's employment. The department must retain the original signed document in the department personnel file. See 60.26.

RETALIATION

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