

RESOLUTION 2017-679

A RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY RELATED TO ITS SICK LEAVE POLICY

WHEREAS, the City Council has reviewed and discussed the existing personnel policies; and

WHEREAS, the City Council has determined that it is necessary to amend the City's personnel policies to clarify the City's sick leave policy to bring it in line with state standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WAITSBURG, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

The following provision of the City of Waitsburg Personnel Policies is hereby amended as follows (language to be deleted is struck through; language to be added is underlined):

“Policy 5.4, Types of Absences:

SHORT TERM ABSENCES

(1) Sick Leave

(a) Full time employees who primarily work in City Hall accrue 7 hours of sick leave for each calendar month of continuous employment (i.e., 1 day a month). Full time employees who primarily work outside of City Hall (e.g., Public Works employees) accrue 8/7 hours of sick leave for each calendar month of continuous employment (i.e., 1 day a month). Part-time, temporary, and probationary employees ~~are not eligible for sick leave, except as provided for in Policy 2.7, Comment (2) (b)(i).~~ accrue 2 hours of sick leave for every 40 hours worked.

(b) Maximum Accrual.

- (i) Full-Time Employees. The maximum number of hours of sick leave that a Public Works employee can accumulate is five hundred twenty (520) hours. The maximum number of hours of sick leave that City Hall Staff can accumulate is four hundred fifty-five (455) for City Hall Staff. The total amount of hours equates to three (3) months of accrued sick leave. The maximum number of hours of sick leave includes the 40 hours of sick leave that state law allows an employee to carry over each year to the next year.
- (ii) Part-Time Employees. The maximum number of hours of sick leave that a part-time employee can accumulate is 104 hours of sick leave. However, at the end of each calendar year a maximum of 40 hours of sick leave is carried over to the next year. Those hours of sick leave in excess of 40 hours that are accrued but unused as of December 31st of each year, are forfeited without compensation to the employee.

(c) Allowable Uses of Sick Leave:

- (i) Employee's own mental or physical illness, injury, or health condition (~~illness, injury, physical or mental disability~~, including disability due to pregnancy or childbirth);
- (ii) To allow the employee ~~The need to~~ provide care for a ~~the employee's immediate family member with a mental or physical illness, injury, or health condition who is ill or injured;~~
- (iii) To accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- (iv) To accommodate an employee's need for preventive medical care; ~~Medical or dental appointments for the employee or immediate family member, provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day;~~
- (v) Care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- (vi) Care for a family member who needs preventive medical care;
- (vii) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others; or
- (viii) Use of a legal drug, prescription or over-the-counter, which impairs job performance or safety.

(d) Family Defined. The phrase "~~immediate~~ family" for the purposes of the sick leave policy means any of the following: ~~includes the employee's a spouse, father, mother, stepfather, eligible foster child, stepmother, grandparent, children, stepchildren, father-in-law, or mother-in-law and domestic partner.~~

- (i) 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);
- (ii) 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;
- (iii) A spouse;
- (iv) A registered domestic partner;
- (v) A grandparent;

- (vi) A grandchild; or
 - (vii) A sibling.
- (e) Verification for Absences Exceeding Three Days. For If the absences exceeding three days, is due to illness or injury of the employee or family member, the City may require written certification verification from the health care provider of the ill or injured employee or immediate family member verifying the need for leave is required if the absence exceeds three consecutive scheduled workdays that an employee's use of paid sick leave is for an authorized purpose. Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination and compensation for the absence will be stopped immediately. (See DISCIPLINARY PROCEDURE, Policy 8.7.)
- (i) If the City requests verification that an employee's use of paid sick leave is for an authorized purpose, an employee may assert that the verification requirement results in an unreasonable burden or expense on the employee.
 - (ii) If the employee anticipates that the verification requirement will result in an unreasonable burden or expense, the employee may provide an oral or written explanation to the City which asserts: that the employee's use of paid sick leave was for an authorized purpose; and how the City's verification requirement creates an unreasonable burden or expense on the employee.
 - (iii) The City will consider the employee's explanation. Within ten calendar days of the employee providing an explanation to the City about the existence of an unreasonable burden or expense, the City will make a reasonable effort to identify and provide alternatives for the employee to meet the City's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee. A reasonable effort by the City to identify and provide alternatives could include, but is not limited to: accepting the oral or written explanation provided by the employee as a form of verification which meets the City's verification requirement; or mitigating the employee's out-of-pocket expenses associated with obtaining medical verification.
 - (iv) If the City requires verification that the use of paid sick leave is for an authorized purpose, verification must be provided to the City within ten calendar days following the first day upon which the employee uses paid sick leave.
 - (v) If the City requires verification that the use of paid sick leave is for an authorized purpose under the Domestic Violence Leave Act, chapter 49.76 RCW, any such verification requirements must comply with the provisions outlined in WAC 296-135-070.
 - (vi) For use of paid sick leave for purposes authorized under federal, state, or other local laws that permit employers to make medical inquiries, the City may require verification from an employee that complies with such certification requirements.

- (f) Reasonable Notice. Employees must give reasonable notice of an absence from work for the use of paid sick leave for an authorized purpose, providing such notice doesn't interfere with an employee's lawful use of paid sick leave.
- (i) When the need for paid sick leave is foreseeable, employees must provide advance notice to the City of at least ten days, or as early as practicable, in advance of the use of paid sick leave.
- (ii) When the need for paid sick leave is not foreseeable, the employee must still provide notice to the City as soon as possible before the required start of their shift, unless it is not practicable to do so. In the event it is impracticable for an employee to provide notice to the City, a person on the employee's behalf may provide notice to the City.

PASSED, ADOPTED AND APPROVED this 20th day of December, 2017.

APPROVED:

ATTEST:

Marty Dunn, Mayor

Randy Hinchliffe, City Clerk

APPROVED AS TO FORM:

Jared Hawkins
City Attorney