

## **Leave for Part-Time and Student Employees Policy Number: 5100**

### **1.0 Objective and Responsibilities**

Walla Walla Community College (WWCC), in an effort to comply with Washington State Initiative 1433 (I-1433), which requires employers to provide paid sick leave to employees beginning January 1, 2018, has implemented this policy and procedure as a resource for both eligible employees and their supervisors. This policy and procedure applies specifically to temporary hourly employees and student workers. There are additional unpaid leave provisions in the policy and procedure to meet legal obligations that are not covered by I-1433 or eligible for sick leave usage.

- 1.1 The Human Resource Office is responsible for providing this policy or a link to the policy at the start of employment, through any onboarding, orientation or general written communications in the employee new hire packet.
- 1.2 The Assistant Director of Payroll & Benefits is responsible for ensuring leave is administered in good faith and consistent with the rights and responsibilities provided by statute or this procedure and providing information and training specific to these rights and responsibilities.
- 1.3 Supervisors of employees under this policy are responsible for managing their staff's leave and keeping both the employee and the Payroll Office informed of changes in status, rights and need for information. Additionally, supervisors are responsible for ensuring that no employee returns to work without the appropriate fitness-for-duty release after an extended absence (lasting in excess of three consecutive days the employee was scheduled to work) or serious illness or injury with minimal or no leave use.
- 1.4 Employees are responsible for reporting leave and providing the notice and information necessary for the College to effectively administer this procedure and direct its workforce.
- 1.5 The integrity of the leave approval and reporting process is critical for accountability purposes. Accurate and timely leave reporting by employees is necessary to meet standards and criteria for reporting outcomes, costing programs and safety and liability purposes.

### **2.0 Definitions**

The following is information specific to the terms of this procedure.

- 2.1 Temporary hourly employees (also referred to as part-time hourly) are employed for temporary increased work demands, quarterly fluctuations of work or other demands pursuant to RCW 41.06.070 (1). Temporary hourly employees are compensated on an hourly basis at varying rates dependent on the work performed and are eligible for overtime over forty (40) hours in a work week (Sunday to Saturday) and otherwise not eligible for leave, except as noted in this policy.

- 2.2 Student workers are employed with WWCC and enrolled in at least six (6) credits as a WWCC student with employment in a department, division or program at the College (Note: This does not include WWCC students in a state work study position with a third-party employer). Student workers are compensated on an hourly basis at minimum wage, are subject to weekly hourly limitations and otherwise not eligible for leave except as noted in this policy.

### **3.0 Paid Sick Leave**

The following paid sick leave is available for temporary hourly and student workers.

#### **3.1 Sick Leave.**

##### **3.1.1 Sick Leave Accrual.**

3.1.1.1 Effective January 1, 2018, employees covered by this policy and procedure accrue paid sick leave at a rate of one (1) hour for every forty (40) hours worked. As an example, an employee who has worked 50 hours will have 1.25 hours of sick leave. There is no cap on the number of sick leave hours that may be accrued in a year. Paid sick leave begins to accrue at the start of employment.

3.1.1.2 Accrued, unused paid sick leave balances of forty (40) hours or less carry over to the following calendar year, each January. The College has adopted a fixed consecutive twelve-month period of January 1 to December 31 each year.

3.1.1.3 Sick leave accrual shall be noted in the College's Employee Earnings History or Time & Leave Reporting (TLR) System. Monthly accruals are credited to the employees' leave account as of the last day of each month. An employee will be able to view used paid sick leave over the past month and current balances of paid sick leave available for use. Paid sick leave may not be used in advance of accrual.

##### **3.1.2 Sick Leave Request, Approval, Reporting and Verification.**

3.1.2.1 Employees covered by this policy and procedure are eligible to use paid sick leave once it is accrued. Employees are allowed to use paid sick leave as needed in quarter-hour increments. The employee is responsible for providing reasonable notice to the employer as soon as the need becomes known. Where the need to use sick leave cannot be foreseen, the employee must notify the supervisor of the need to use sick leave no later than the start of the day on which the employee is scheduled to work, and each day after, unless there is mutual agreement to do otherwise. Where the need to use sick leave can be

foreseen, such as scheduled medical appointments, use of sick leave is subject to the supervisor's approval. The employee will use the supervisor's leave request process and submit approved leave usage through the College's TLR System for the appropriate pay period.

3.1.2.2 Paid sick leave hours will be compensated at an employee's regular rate of pay for the scheduled work hours in which leave was used. Paid sick leave hours will not count towards the calculations of overtime. Employees covered by this policy are not eligible to participate in the Shared Leave Program.

### 3.1.3 Sick Leave Use.

Sick leave may be used for the following:

3.1.3.1 A personal illness, injury, or medical disability that prevents the employee from performing scheduled duties, or personal medical or dental appointments.

3.1.3.2 To care for family members including:

3.1.3.2.1 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;

3.1.3.2.2 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;

3.1.3.2.3 A spouse or registered domestic partner;

3.1.3.2.4 A grandchild or grandparent; or

3.1.3.2.5 A sibling.

3.1.3.3 For family members' health care appointments when the presence of the employee is required, if arranged in advance with the supervisor or designee.

3.1.3.4 When the College is closed by order of a public official for any health-related reason;

3.1.3.5 When Employee's child's school or place of care closed by order of a public official for any health-related reason;

3.1.3.6 Leave for domestic violence leave as per Chapter 49.76 RCW and WWCC's Domestic Violence Leave Policy.

- 3.2 Documentation of Leave. Leave usage shall be documented through the College's TLR System. In the event leave approved by the supervisor is not supported by the employee's leave accrual or does not comply with this procedure, the Payroll Office will bring it to the attention of the supervisor or the employee for resolution and/or communication of an outcome.
- 3.3 The supervisor may require a written medical certificate for any sick leave absence that exceeds three (3) consecutive days the employee is scheduled to work, explaining the nature of the illness and to evaluate the appropriateness of using leave.
- 3.4 The Human Resource Office may require a fitness-for-duty, which is a written certification from the health care provider stating the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation or work restrictions. This is generally after an extensive absence (lasting in excess of three days) or for a serious illness or injury with minimal or no leave use (condition such as broken appendage in cast, stitches for extensive wounds or other injury in which fitness-for-duty is questioned).
- 3.5 Failure to return to work upon the expiration of a leave (or failing to notify the supervisor, or designee, of the reason return dates will not be met) may be considered voluntary resignation.
- 3.6 Sick Leave Restored after Reemployment. If an employee separates from employment, there will not be financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation. If an employee leaves employment and is rehired within twelve (12) months of separation, any accrued, unused paid sick leave will be reinstated to the employee's paid sick leave balance. Given the temporary nature of employment which often does not involve a separation date, the last date worked after three (3) months of no work performed is considered the separation date unless the employee is on paid sick leave.
- 3.7 Upon rehire, the employer must provide notification to the employee of the amount of accrued, unused paid sick leave restored to the employee's account and available for use by the employee.

#### **4.0 Unpaid Leaves**

Leave for protected use as stated below is to meet legal obligations of regulations or applicable laws. Since temporary hourly and student workers are only responsible for reporting time worked (positive time keeping) for payment of compensation, unpaid leave, although it requires meeting eligibility requirements and communication with the supervisor, should not be submitted in the TLR System. The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures.

##### **4.1 Civil Duty Leave.**

- 4.1.1 The College will grant an unpaid leave of absence when an employee is required to report for jury duty service.

4.1.2 An employee will inform their supervisor when notified of a jury summons or subpoenaed civil duties.

4.2 Faith & Conscience.

4.2.1 Leave without pay will be granted for up to two workdays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Leave without pay may only be denied if the employee's absence would impose an undue hardship on the College as defined by WAC 82-56-020 or the employee is necessary to maintain public safety.

4.2.2 Employees will only be required to identify that the request for leave is for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

4.2.3 When requesting leave under this section, an employee must give at least fourteen (14) calendar days' notice to the supervisor. The employee and supervisor may agree upon a shorter time frame. Unpaid leave for this purpose must not be denied due to not meeting the timeframe.

4.3 Domestic Violence Leave.

4.3.1 In accordance with Chapter 49.76 RCW, an employee who is a victim, or a family member of a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020, may request to use a reasonable amount of sick leave or leave without pay.

4.3.2 For the purposes of domestic violence, sexual assault, or stalking provisions within Title 49 RCW, "family member" is defined in RCW 49.76.020. Domestic partner is defined in RCW 26.60.025, or person with whom the employee has a dating relationship as defined in RCW 26.50.010.

4.3.3 The employee shall give their supervisor advance notice of their intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or their designee must give notice to their supervisor no later than the end of the first day that the employee takes such leave. Notice shall be consistent with requesting leave or reporting an absence as stated in this procedure. The College may require the request for leave under this section be supported by verification in accordance with RCW 49.76.040.

4.4 Family and Medical Leave Act. Eligibility for unpaid leave in accordance with the Family and Medical Leave Act ("FMLA") is dependent on a number of factors. See WWCC's Family and Medical Leave Policy. The Human Resource Office processes FMLA leave with applicable forms and information.

**5.0 Retaliation Prohibited**

5.1 Retaliation for the employee’s lawful use of paid sick leave and other rights provided under the Minimum Wage Act (Chapter 49.46 RCW), and all applicable rules, is prohibited.

**Policy Contact:** Vice President of Human Resources

**Approved by:** Dr. Derek Brandes, President: \_\_\_\_\_

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**Last Reviewed/Revised on:**