SICK LEAVE - FREQUENTLY ASKED QUESTIONS

What is an authorized use of my sick leave?
According to RCW 49.46.210, “An employee is authorized to use paid sick leave for the following reasons:”

- An absence resulting from an employee’s mental or physical illness, injury, or health condition;
- To accommodate the employee’s need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- To accommodate an employee’s need for preventative medical care;
- To allow the employee to provide for a family member with a mental or physical illness, injury, or health condition;
- For the care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- To care for a family member who needs preventative medical care;
- When the place of business has been closed by order of public official for any health-related reasons;
- When an employee’s child’s school or place of care has been closed for such reason;
- For any absence that qualifies for leave under the domestic violence leave act (RCW 49.76.030).

When is the use of my sick leave inappropriate?
Listed below are some examples of sick leave misuse, this list is not all inclusive;

- For a pre-planned vacation;
- To visit the newborn child of a family member or friend;
- To visit someone who is ill who is not considered an eligible family member;
- Children events (i.e. sports events, activities, performances, etc.)
- For the purpose of pre-planned family events, or other events that; do not qualify under RCW 49.46.210.

Who is an eligible family member for the purpose of sick leave?
According to RCW 49.46.210 a “family member” means any of the following;

- A child (including biological, adopted, foster child, stepchild, or a child to whom the employee is a legal guardian, regardless of age or dependency status);
- A biological, adopted, or foster parent stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner;
- A spouse or registered domestic partner;
- A grandparent;
- A grandchild;
- A sibling.
When will I need to provide a doctor’s note to take sick leave?
If your absence will exceed five consecutive working days, the District will require a doctor’s note and medical release in order to return to your position. Additionally, if there is a suspected pattern of sick leave misuse, the District can request that a doctor’s note be provided regardless of the total days absent.

What if I will be using more than five consecutive days of sick leave?
If your sick leave will exceed four consecutive working days, you may be eligible to receive time off according to the Family and Medical Leave Act (FMLA) or other District and/or State leave policies. Additional documentation is necessary for requesting FMLA or other extended leaves. For more information on FMLA please see; the FMLA FAQ sheet, the Leave Types and Information sheet, or visit the Leave Information section of the Human Resources webpage.

Can I use my sick leave for emergency purposes not defined under RCW 49.46.210?
Yes, you may take emergency leave (which is deductible from your sick leave) as long as it meets the requirements of emergency leave as defined by the EVEA and PSE Collective Bargaining Agreements. An emergency is defined in both Collective Bargaining Agreements as “a problem that must have been suddenly precipitated and must be of such nature that preplanning was not possible, or where preplanning could not relieve the necessity for the employee’s absence.” For further clarification on authorized use of emergency leave, please reference East Valley Board Policy 5403, Emergency and Discretionary Leaves.

What do I do when I run out of sick leave and need to take a day or more?
If you have exhausted your paid sick leave, you may be required to use your annual or personal leave in order to avoid going into Leave Without Pay. If you have exhausted all of your paid leave you may be eligible to apply for Shared Leave as well. For more information, and to see if you are eligible to receive Shared Leave, please review East Valley Board Policy 5406 as well as the Leave Types and Information sheet.

If I use my sick leave in conjunction with a pre-planned vacation, or for a purpose that is not authorized per RCW 46.46.210, is there a potential for repercussions?
Yes. The misuse of sick leave is considered fraud and/or theft and is subject to discipline. East Valley Board Policy 5281, Disciplinary Action and Discharge states “staff who fail to fulfill their job responsibilities...who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job, or in such a way that the law determines to be sufficient cause shall be subject to discipline.” It also notes that “discipline shall be reasonably appropriate to the circumstances but may include suspension or discharge.”

If you ever have questions about whether your absence is eligible for sick leave, please contact any of the Human Resources of Payroll Department staff listed below.

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Sources:
East Valley Board Policy 5281
East Valley Board Policy 5406
East Valley Board Policy 5403
EVEA Collective Bargaining Agreement [Article V, Section 1]
PSE Collective Bargaining Agreement [Article XI, Section 11.1]
https://app.leg.wa.gov/rcw/default.aspx?cite=49.46.210
https://app.leg.wa.gov/RCW/default.aspx?cite=49.76.030