

RESOLUTION NO. 2017-43

**A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD
ADOPTING A PAID SICK LEAVE POLICY.**

WHEREAS, Initiative 1433, Washington State's new paid sick leave law, necessitates that MTA adopt a new policy that sets forth when non-exempt employees of MTA accrue and use paid sick leave;

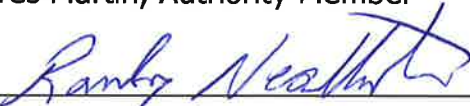
NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT AUTHORITY BOARD that the Paid Sick Leave Policy which is attached hereto and incorporated herein be established and adopted.

Adopted this 19th day of December, 2017.



Terri Drexler, Chair

Wes Martin, Authority Member



Randy Neatherlin, Authority Member

Don Pogreba, Authority Member



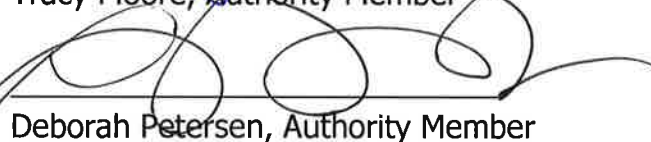
Kevin Shetty, Authority Member



John Campbell, Vice-Chair



Tracy Moore, Authority Member



Deborah Petersen, Authority Member



Sandy Tarzwell, Authority Member

APPROVED AS TO CONTENT: 

Danette Brannin, General Manager

APPROVED AS TO FORM: 

Robert W. Johnson, Legal Counsel

ATTEST: 

Tracy Becht, Clerk of the Board

DATE: 12/19/2017



Title: Paid Sick Leave Policy
Number: 309
Effective: January 1, 2018
Cancels: N/A
Prepared by: LeeAnn McNulty,
Administrative Services Manager
Approved by: Authority Board
Resolution No. 2017-43

POL-309 PAID SICK LEAVE POLICY

This policy applies to all Mason Transit Authority (MTA) employees.

1.0 Purpose

- 1.1** Paid sick leave is available for employees to care for their health and the health of their family members per Washington state law.

2.0 Policy

2.1 Authorized Uses of Paid Sick Leave

Paid sick leave may be used for the following:

- An employee's mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;
- Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
- If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.

2.2 Authorized use of paid sick leave for domestic violence, sexual assault or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.



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- To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

2.3 Accrual of Paid Sick Leave

Sick leave is accumulated at the rate of 3.69 hours per pay period for full-time employees, never to exceed a balance of 960 hours. For example, 3.69 hours per pay period x 26 pay periods = 96 hours sick leave per year. Part time, On-Call, Worker Driver and Temporary employees will earn sick leave at a rate of .025 per hour for each hour worked. MTA's accrual year is based on the calendar year.

Sick leave accruals begin to accumulate at the commencement of employment. Employees will be provided with an *Employee Paid Sick Leave Notification* at the start of employment. It contains information regarding: authorized use of paid sick leave, MTA's paid sick leave accrual year, carryover of paid sick leave, eligibility for use, and information about retaliation.

2.4 Eligibility to Use Accrued Paid Sick Leave

Employees are eligible to use accrued paid sick leave 90 days after starting their employment.

Sick leave accrued during a pay period may not be taken until the following period.

2.5 Reasonable Notice for the Use of Paid Sick Leave

Employees must provide reasonable advance notice of an absence from work for the use of paid sick leave to care for yourself or a family member. Please provide such reasonable notice to your team. Any information provided will be kept confidential.



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Reasonable Notice for Foreseeable Use of Paid Sick Leave

If an employee's absence is foreseeable, the employee must provide notice to his or her team manager at least 10 days, or as early as possible, before the first day paid sick leave is used.

- Employees are required to submit an Employee Notice for Use of Paid Sick Leave form.
- If possible, notification should include the expected duration of the absence.

Reasonable Notice for Unforeseeable Use of Paid Sick Leave

If an employee's absence is unforeseeable, the employee must contact his or her team manager as soon as possible.

- If the need for paid sick leave is unforeseeable, and arises before the required start of the employee's shift, notice should be provided no later than one (1) hour before the employee's required start time.
 - In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.
 - If possible, the notification should include the expected duration of the absence.
 - Employees are required to complete an Employee Notice for Use of Paid Sick Leave form on the day following the employee's return from paid sick leave.
- Please note:
- Verification may be required if an employee uses paid sick leave for more than three (3) consecutive days for which the employee was required to work.

Reasonable Notice for Use of Paid Sick Leave for Domestic Violence Leave

Reasonable Notice for Foreseeable Use of Paid Sick Leave

An employee must give advance oral or written notice to his or her team manager as soon as possible for the foreseeable use of paid sick leave to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault or stalking.



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Reasonable Notice for Unforeseeable Use of Paid Sick Leave

If an employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee's family member being a victim of domestic violence, sexual assault or stalking, the employee or a designee must give oral or written notice to his or her team manager no later than the end of the first day that the employee takes such leave.

2.6 Verification for Absences Exceeding Three Days

If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose.

When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is required to work, acceptable verification may include:

- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or an employee's family member; or
- A written or oral statement from the employee indicating that the use of paid sick leave is necessary to take care of themselves or a family member.

When an employee or the employee's family member has been a victim of domestic violence, sexual assault or stalking, the employee's choice of any of the following documents, or any combination thereof, satisfy this verification requirement:

- A written statement that the employee or an employee's member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues.
- A police report indicating that the employee or the employee's family member was a victim of domestic violence;



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- Evidence from a court or prosecuting attorney showing that the employee or the employee’s family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order of protection;
- Documentation from any of the following persons from whom an employee or an employee’s family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee’s family member is a victim:
 - An advocate for victims of domestic violence, sexual assault, or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

When an employee is absent due to the closure of the employee’s child’s school or place of care by a public official due to health-related reasons:

- Notice of closure by a public official that the employee received regarding employee’s child’s school or place of care.

Verification must be provided to no less than 10 calendar days of the first day an employee used paid sick leave to care for themselves or a family member.

2.7 Increments of Use for Paid Sick Leave

Employees are allowed to use paid sick leave in increments of one (1) hour.



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2.8 Payroll

Employees will be notified of their paid sick leave balances each pay period on a direct deposit statement and/or Paylocity's Time-Off section of the Self Service Portal, including:

- Accrued paid sick leave since the last notification
- Used paid sick leave since the last notification
- Current balance of paid sick leave available for use
- *If applicable* – donations via an optional shared leave program

2.9 Rate of pay when using paid sick leave

Paid sick leave hours will be compensated at an employee's regular rate of pay, excluding tips, service charges and overtime rates, where applicable. Paid sick leave hours will not count towards the calculation of overtime.

2.10 Carryover of Paid Sick Leave Hours

At the end of the paid sick leave accrual year, unused paid sick leave balances will carry over to the following year with a cap of 960 hours.

2.11 Separation from Employment

If an employee separates from employment, there will not be a financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation.

2.12 Reinstatement of Employment

If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employee's paid sick leave balance.

If an employee is rehired within 12 months of separation, the employee will not be required to wait another 90 days to use the accrued paid sick leave if the employee met that requirement during the previous period of employment. If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for Mason Transit Authority will count towards the 90 days for purposes of determining the employee's eligibility to use paid sick leave.



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2.13 Retaliation Prohibited

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels they are being discriminated or retaliated against, the employee may contact the General Manager.

If an employee is not satisfied with the company'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

Email: ESgeneral@Lni.wa.gov

3.0 Definitions

- "Family member" is defined as a child or parent (including biological, adopted, foster, step or legal guardian), a spouse, registered domestic partner, spouse's parent, grandparent, grandchild or sibling.
- "Health-related reason" means a serious public health concern that could result in bodily injury or exposure to an infectious agent, biological toxin, or hazardous material. Health-related reason does not include closures for inclement weather.
- "Absences exceeding three days" means absences exceeding three consecutive days an employee is required to work. For example, assume an employee is required to work on Mondays, Wednesdays, and Fridays, and then the employee uses paid sick leave for any portion of those three work days in a row. If the employee uses paid sick leave again on the following Monday, the employee would have absences exceeding three days.
- "Commencement of his or her employment" means no later than the beginning of the first day on which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed workplace.
- "Verification" means evidence that establishes or confirms that an employee's use of paid sick leave is for an authorized purpose under RCW [49.46.210](#) (1)(b) and (c).