

1 MEMORANDUM OF UNDERSTANDING

2
3 THIS MEMORANDUM OF UNDERSTANDING SETS FORTH THE FOLLOWING
4 AGREEMENT BETWEEN THE WASHINGTON FEDERATION OF STATE EMPLOYEES
5 LOCAL 931 (THE "UNION") AND EASTERN WASHINGTON UNIVERSITY (THE
6 "UNIVERSITY") PURSUANT TO ARTICLE 30 OF THE COLLECTIVE BARGAINING
7 AGREEMENT (CBA) BEGINNING JULY 1, 2017.
8

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10 Initiative 1433, approved by the citizens of Washington State in 2016, modifies the Minimum
11 Wage Requirements and Labor Standards law, RCW 49.46, to include paid sick leave provisions
12 effective January 1, 2018. The parties agree to modify Article 30, Sick Leave, of the 2017 –
13 2019 CBA to incorporate changes in the law, effective January 1, 2018.
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15
16 **The parties agree that:**

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18 1. Article 30 of the CBA will be modified as follows:
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20 **ARTICLE 30 – SICK LEAVE**

21
22 30.1 Sick Leave Accrual. Full-time employees will accrue sick leave at the rate of eight (8)
23 hours for each completed calendar month of active service; provided that an employee
24 does not have more than ten (10) days leave without pay in that month. An employee
25 with more than ten (10) days leave without pay in that month will accrue a prorated
26 amount of sick leave based upon the percentage of time worked. Part-time employees
27 will accrue sick leave on a prorated basis. Employees may accrue an unlimited amount
28 of sick leave.
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30 30.2 Use of Accrued Sick Leave. Employees' accrued sick leave balances will be
31 charged for the actual time of any sick leave used. Accrued sick leave may be used
32 only for:
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34 30.2.1 An absence resulting from an employee's mental or physical illness,
35 injury, or health condition; to accommodate the employee's need for
36 medical diagnosis, care, or treatment of a mental or physical illness,
37 injury, or health condition; an employee's need for preventive medical
38 care; medical, dental or optical appointments and for reasons allowed
39 under the Minimum Wage Requirements and Labor Standards, RCW
40 49.46.210.
41

42 30.2.2 A period of quarantine following the exposure to a contagious disease
43 during the period when attendance on duty would jeopardize the health of
44 others;
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46 30.2.3 For reasons allowed under the Minimum Wage Requirements and Labor
47 Standards, RCW 49.46.210, and for absences qualifying for leave under

1 the Family Care Act, WAC 296-130. This includes providing care for a
2 family member with a mental or physical illness, injury, or health
3 condition; care of a family member who needs medical diagnosis, care,
4 or treatment of a mental or physical illness, injury or health condition;
5 care for a family member who needs preventative medical care; or
6 medical, dental or optical appointments. For purposes of this Article, the
7 definition of a family member is defined as follows:
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- 9 (a) A child, including a biological, adopted, or foster child, stepchild,
10 or a child to whom the employee stands in loco parentis, is a legal
11 guardian, or is a de facto parent, regardless of age or dependency
12 status;
13 (b) A biological, adoptive, de facto, or foster parent, stepparent, or
14 legal guardian of an employee or the employee's spouse or
15 registered domestic partner, or a person who stood in loco parentis
16 when the employee was a minor child;
17 (c) A spouse;
18 (d) A registered domestic partner;
19 (e) A grandparent;
20 (f) A grandchild; or
21 (g) A sibling.
22
23

24 30.2.4 In accordance with RCW 49.46.210, when an employee's place of
25 business has been closed by order of a public official for any health-
26 related reason, or when an employee's child's school or place of care has
27 been closed for such a reason. Health-related reason, as defined in WAC
28 296-128-600 (8), means a serious public health concern that could result
29 in bodily injury or exposure to an infectious agent, biological toxin, or
30 hazardous material. Health-related reason does not include closure for
31 inclement weather.
32

33 30.2.5 Absences that qualify for leave under the Domestic Violence Leave Act,
34 Chapter 49.76 RCW and/or EWU policy 403-05 (Employee Leave Related
35 to Domestic Violence, Sexual Assault, & Stalking).
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37 30.2.6 Absences that qualify for leave under the Military Family Leave Act,
38 Chapter 49.77 RCW.
39

40 30.2.7 Bereavement leave in addition to leave provided by Section 32.4, or in
41 circumstances not covered by Section 32.4, if such use is approved in
42 advance by the employee's supervisor; and
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44 30.2.8 Other circumstances if authorized by the University's Associate Vice
45 President of Human Resources.
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47 30.3 Sick Leave Conditions During Vacations. When a condition identified in Section

1 30.2 arises while an employee is on vacation leave, the employee will be permitted
2 upon request to use accrued sick leave in lieu of the approved vacation leave.

3
4 30.4 Sick Leave Reporting and Verification. Employees must notify their supervisor (or
5 designee) as soon as reasonably possible when they will be absent due to illness or
6 injury. If an employee is in a position where a relief replacement is necessary if
7 they are absent, he or she will notify their supervisor at least two (2) hours prior to
8 their scheduled time to report to work, whenever possible. The University may
9 require a written medical verification for absences of three (3) or more consecutive
10 days in accordance with RCW 49.46.210 (1)(b) and (c), or where there is reason to
11 suspect sick leave abuse. Pursuant to RCW 49.46.210 and WAC 296-128-660,
12 requirements for verification may not result in an unreasonable burden or expense
13 on the employee and may not exceed privacy or verification requirements otherwise
14 established by law.

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16 30.4.1 Employees who are required to provide written verification for a
17 particular absence will receive an oral or written notice
18 memorializing that fact and informing them of the reason for the
19 requirement before returning to work.

20
21 30.5 Return to Duty Verification. An employee returning to work after a serious health
22 condition under the FMLA, obtaining emergency or urgent care, or sick leave absence
23 of five (5) or more consecutive days may be required to provide written certification
24 from his or her health care provider that the employee is able to return to work and
25 perform essential functions of the job with or without a reasonable accommodation.
26 Employees required to provide a return to duty release will receive oral or written
27 notice before returning to work memorializing that fact. The return to duty release
28 must be received by the University before the employee returns to work.

29
30 30.6 Annual Sick Leave Cashout. In January following any year in which an employee
31 reaches a minimum accrual of four hundred eighty (480) hours of sick leave, the
32 employee may receive cash at the employee's straight time rate for any unused sick
33 leave hours accrued during the prior calendar year; provided that employees will not be
34 permitted to reduce their sick leave balances below four hundred eighty (480) hours
35 through sick leave cash out. Sick leave will be cashed out at a rate of one (1) hour's pay
36 for each four (4) hours of sick leave. Hours cashed out will be deducted from
37 employees' sick leave balance.

38
39 30.7 Cash Out. Upon retirement or death, an employee or his or her estate will receive cash
40 at the employee's straight-time hourly rate for all sick leave hours. Sick leave will be
41 cashed out at a rate of one (1) hour's pay for each four (4) hours of sick leave. In lieu of
42 a cash payout for sick leave at retirement as provided by this section, an employee will
43 receive the amount of any such payout in the form of a contribution to a medical
44 reimbursement plan if the employee is eligible to participate in such a plan at the time of
45 his or her retirement.

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1 30.8 Reemployment of University Employees. Former University employees who are
2 reemployed within three (3) years of separation will have their former sick leave
3 balance restored for use as provided in this agreement; provided that this provision will
4 not apply to employees whose accrued sick leave was cashed out upon retirement as
5 provided in Section 30.6.
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11 THE WASHINGTON FEDERATION OF
12 STATE EMPLOYEES LOCAL 931

EASTERN WASHINGTON UNIVERSITY

13
14 BY: 

BY: 

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16 Ron Heley, Labor Advocate

Joseph Fuxa, Labor Relations Manager

17
18 DATE: 07/19/18

DATE: 7/20/18