

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE STATE OF WASHINGTON
AND
THE WASHINGTON FEDERATION OF STATE EMPLOYEES, COUNCIL 28**

Sick Leave Use

Due to the passage of Engrossed Substitute Senate Bill 5793 amending RCW 49.46.210; creating a new section; and providing an effective date; which expands the purposes for which an employee may use sick leave and the definition of family for the purpose of sick leave effective January 1, 2025, the parties agree to modify Article 12, Section 12.2 – Sick Leave Use, as follows:

12.2 Sick Leave Use

Sick leave will be charged in one-tenth (1/10th) of an hour increments and may be used for the following reasons:

- A. A personal illness, injury or medical disability that prevents the employee from performing their job, or personal medical or dental appointments, and for reasons allowed under the Minimum Wage Requirements and Labor Standards, [RCW 49.46.210](#).
- B. Care of family members as allowed under [RCW 49.46.210](#) and as required by the Family Care Act, [WAC 296-130](#). ~~Family member is defined to include:~~
 - 1. Family member means a child, grandchild, grandparent, parent, sibling, or spouse as defined in 12.2 B.6, of an employee, and also includes any individual who regularly resides in the employee’s home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. “Family member” includes any individual who regularly resides in the employee’s home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

~~2~~ Child means, including a biological, adopted, or foster child, stepchild, a child's spouse, as defined in 12.2 B.6 or for whom the employee stands in loco parentis, is a legal guardian or is de facto parent, regardless of age or dependency status;

~~23.~~ Grandchild means a child of the employee's child as defined in 12.2 B.2 above.

~~4.~~ Grandparent means a parent, as defined in 12.2 B.2 above of the employee's parent.

~~5.~~ Parent means Bbiological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, as defined in 12.2 B.6 or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

~~63.~~ Spouse means an individual to whom the employee is married or state registered domestic partner as defined by RCW 26.60;

~~4.~~ Registered domestic partner as defined by RCW 26.60;

~~5.~~ Grandparent;

~~6.~~ Grandchild; or

~~7.~~ Sibling.

C. Qualifying absences for Family and Medical Leave ([Article 15](#)).

D. Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

E. When an employee's place of business has been closed by order of a public official for any health-related reason as defined in WAC 296-128-600, or when an employee's child's school or place of care has been closed for ~~such~~ a health-related reason or after the declaration of an emergency by a local or state government or

~~agency, or by the federal government. Health-related reason, as defined in WAC 296-128-600 (8), 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 closure for inclement weather.

- F. Preventative health care appointments of household members, up to one (1) day for each occurrence, when the employee attends the appointment, if arranged in advance with the Employer. A household member is defined as persons who reside in the same household who have reciprocal duties to and do provide financial support for one another. This term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.
- G. To attend a medically-related interdisciplinary meeting necessary for the planning and care of a minor/dependent child who requires coordinated care of services in the home or school setting.
- H. When an employee is absent from work to be with member(s) of the employee's household who experience an illness or injury.
- I. Sick leave use for bereavement is limited to five (5) days, or more, if approved by the Employer. This applies to the family member list as identified in [Subsection 12.2](#) B and also the relative list as identified in [Subsection 17.7](#) F and below.

A relative is defined to include: aunt, uncle, niece, nephew, sibling-in-law, first cousin, and corresponding relatives of the employee's spouse or domestic partner.
- J. Leave for Family Military Leave as required by [RCW 49.77](#) and in accordance with [Section 18.14](#), Military Family Leave.


K. Leave for Domestic Violence Leave as required by [RCW 49.76](#).

This MOU shall be effective January 1, 2025, through June 30, 2025.

An electronic signature to this MOU shall be given effect as if it were an original signature.

For the Employer

For the Union


9/19/2024

Scott Lyders, Senior Labor Negotiator
OFM/SHR Labor Relations &
Compensation Policy Section

Amy M. Spiegel 9/19/2024

Amy Spiegel, Director of Advocacy
WFSE/AFSCME Council 28