

**MEMORANDUM OF UNDERSTANDING
BETWEEN
American Behavioral Health Systems
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 15, Section 15.2(B) – Sick Leave Use, as follows:

Article 15

15.2 Sick Leave

- A. Part-time and full-time employees, as defined in Article 6, Hiring and Appointments, will be eligible for and will accrue sick leave according to Washington State law as follows: The greater of four (4) hours per month or one (1) hour for every forty (40) hours worked. Employees (part-time and full-time) who have been employed for ninety (90) days are covered by this Agreement may use their accrued sick leave pursuant to this Agreement.
- B. Sick leave may be used for the employee or the employee’s family members (defined below) for any of the following reasons:
 1. A personal physical 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.
 2. When the employee’s place of business, or the employee’s child’s school or place of care, has been closed for such a health-related reason, by order of a public health official for any health-related reason, or after the declaration of an emergency by 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 reasons does not include closure for inclement weather.
 3. For leave that qualifies under the Domestic Violence Leave Act, chapter 49.76 RCW.

C. Care of family members as allowed under RCW 49.46.210 and as required by the Family Care Act, WAC 296.130. For the purposes of Article 15, family member is defined as and as broadened by this Agreement to include:

1. A child, including biological, adopted, foster, stepchild, child-in-law, 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;
2. A parent, including biological, adoptive, de factor or foster, stepparent, parent-in-law 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. A spouse or a registered domestic partner as defined by RCW 26.60;
4. A grandparent;
5. A grandchild;
6. A sibling, or.
7. 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.

On December 31 of each year, employees will be allowed to carry forward any unused sick leave up to a maximum of eighty (80) hours.

D. Sick leave will accrue the first working day of each calendar month.

E. An employee must promptly notify his or her supervisor on the first day of sick leave and each day after unless there is a documented mutual agreement to do otherwise. Within the Prison and Work Release program, employees will also notify the DOC shift commander. To the extent possible, employees will provide the Employer with at least 90 minutes advance notice of unanticipated sick leave use.

F. The Employer may request medical verification for the following reasons, provided it does not result in an unreasonable burden or expense to the employee and does not exceed privacy or verification requirements otherwise established by law:

1. When the absence exceeds three (3) days, and the Employer has reason to suspect abuse and can demonstrate those reasons upon request by the Union or the employee.

2. When the Employer has determined there is a need for medical certification verifying that the employee is able to safely return to work.

G. The Employer may not:

1. Require employees to find their own coverage for the use of sick leave;
2. Adopt or enforce any policy that counts the use of sick leave as an absence that may lead to or result in discipline; or
3. Discriminate or retaliate against employees for their use of sick leave.

H. Employees who separate from employment and are re-employed within twelve (12) months will have restored all sick leave balances they had at the time of layoff or separation.

I. For the pay period ending November 30 of each year, employees who have worked for the Employer for at least one year and have not used sick leave for the year ending November 30, will be paid an amount equal to eight (8) hours pay on their December 10 paycheck.

Each January, an employee whose sick leave balance at the end of the previous year exceeds forty-eight (48) hours will be eligible to convert sick leave in excess of forty-eight (48) hours to vacation leave. Notification of the request to convert these hours must be received by payroll via email or separate writing no later than January 31 of each year.

Dated: May 30, 2024

For the Employer

Tony Prentice

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For the Union

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