

ARTICLE 14
SHARED LEAVE

14.1 Shared Leave

The purpose of the leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who:

A. Is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition;

B. Is sick or temporarily disabled because of pregnancy disability;

C. Is taking parental leave to bond with their newborn, adoptive, or foster child;

D. Is called to service in the uniformed services;

E. Is a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#), and is attending medical appointments or treatments for a service-connected injury or disability;

F. Is a spouse of a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#), who is attending medical appointments or treatments for a service-connected injury or disability and requires assistance while attending appointments or treatments.

~~G.1.~~ Is responding to a state of emergency anywhere within the United States declared by the federal or any state government;

~~H.2.~~ Is a victim of domestic violence, sexual assault, ~~or~~ stalking, or a hate crime;

I. Is an employee legally authorized to work in the United States under federal law and the employee's absence is due to the involvement of the employee

1 or the employee's relative or household member in an immigration
2 enforcement action.

3 14.2 Shared Leave Definitions

4 For the purposes of the state leave sharing program, the following definitions apply:

5 AG. "Domestic violence" means physical harm, bodily injury, assault, sexual
6 assault, stalking, or a hate crime, or the infliction of fear of imminent
7 physical harm, bodily injury, assault, as defined in RCW 9A.46.110, of one
8 intimate partner by another intimate partner, or of one family or household
9 member by another family or household member as defined in RCW
10 26.51.010.

11 BH. "Employee" means any classified employee who is entitled to accrue sick
12 leave or vacation leave and for whom accurate leave records are maintained;
13 and does not include part-time hourly appointments under Appendix D.

14 CI. "Employee's relative" normally will be limited to the employee's spouse,
15 state registered domestic partner as defined by RCWs 26.60.020 and
16 26.60.030, child, stepchild, grandchild, great-grandchild, grandparent,
17 great-grandparent or parent.

18 DJ. "Relative or Household members" means a child, grandchild, grandparent,
19 parent sibling, or spouse of an employee, and also includes any individual
20 who regularly resides in the employee's home or where the relationship
21 creates an expectation that the employee cares for the person, and that
22 individual depends on the employee for care. Relative or household
23 member" includes any individual who regularly resides in the employee's
24 home, except that it does not include an individual who simply resides in
25 the same home with no expectation that the employee care for the
26 individual. is defined as persons who reside in the same home who have
27 reciprocal duties to and/or do provide financial support for one another. This

term will include, but is not limited to, foster children and legal wards. The term does not include an individual who simply resides in the same home with no expectation that the employee care for the individual, or persons sharing the same general house when the living style is primarily that of a dormitory or commune.

FK. “Parental leave” means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen (16) weeks after the birth or placement, in accordance with RCW 41.04.655(3). If the birth parent suffers from a pregnancy disability, the period of sixteen (16) weeks begins immediately after the pregnancy disability has ended provided that the parental leave is used within the first year of the child’s life.

FL. “Pregnancy disability” means a pregnancy-related medical condition or miscarriage, in accordance with RCW 41.04.655(4).

GM. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

HN. "Severe" or "extraordinary" condition is defined as provided in WAC 357-31-395.

I. “Sexual assault” has the same meaning as in RCW 70.125.030.

J. “Stalking” has the same meaning as in RCW 9A.46.110.

K. “Hate Crime” has the same meaning as in RCW 49.76.020

LK. "Uniformed services" means the Armed Forces, the Army National Guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the Coast Guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

ML. "Victim" means a person that domestic violence, sexual assault, or stalking, or a hate crime has been committed against as defined in this Article.

14.32 Shared Leave Receipt

A. The Employer may permit an employee to receive shared leave if the employee meets any of the following criteria:

1. The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;
2. The employee is sick or temporarily disabled because of pregnancy disability, as defined in Subsection 14.24F;
3. The employee needs the time for parental leave as defined in Subsection 14.24E;
4. A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to an emergency or its aftermath and volunteers their services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;
5. The employee has been called to service in the uniform services;

6. The employee is a current member of the uniform services or a veteran as defined under [RCW 41.04.005](#), and is attending medical appointments or treatments for a service connected injury or disability;

7. The employee is a spouse of a current member of the uniformed services or veteran as defined under [RCW 41.04.005](#), who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments; or

8. The employee is a victim of domestic violence, sexual assault, ~~or~~ stalking, [or a hate crime](#).

9. The employee is legally authorized to work in the United States under federal law and the employee's absence from work is due to the involvement of the employee or employee's relative or household member in an immigration enforcement action.

B. The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, or stalking, [or a hate crime](#), parental leave or pregnancy disability has caused, or is likely to cause, the employee to:

1. Go on leave without pay status; or
2. Terminate state employment.

C. The employee's absence and the use of shared leave are justified.

D. The employee has depleted or will shortly deplete their:

1. Vacation leave, sick leave and personal holiday if the employee qualifies under Subsection 14.~~32~~(A)(1). The employee is not required to deplete all of their accrued vacation and sick leave and

can maintain up to forty (40) hours of vacation leave and forty (40) hours of sick leave;

2. Vacation leave and paid military leave allowed under [RCW 38.40.060](#), if the employee qualifies under Subsection 14.~~32~~(A)(2). The employee is not required to deplete all of their accrued vacation leave and paid military leave allowed under [RCW 38.40.060](#) and can maintain up to forty (40) hours of vacation leave and forty (40) hours of military leave;

3. Vacation leave and personal holiday if the employee qualifies under Subsections 14.~~32~~(A)(4) or 14.~~32~~(A)(8). The employee is not required to deplete all of their accrued vacation leave and can maintain up to forty (40) hours of vacation leave;

4. Vacation leave, sick leave, personal holiday and compensatory time, if the employee qualifies under Subsections 14.~~32~~(A)(2) or (A)(3). The employee is not required to deplete all of their accrued vacation leave and sick leave and can maintain up to forty (40) hours of vacation leave and forty (40) hours of sick leave.

5. Vacation leave, sick leave, and personal holiday if the employee qualifies under Subsection 14.~~32~~(A)(6) or 14.~~32~~(A)(7). The employee is not required to deplete all of their accrued vacation and sick leave and can maintain up to forty (40) hours of vacation leave up to forty (40) hours of sick leave.

E. The employee has abided by the Employer's rules regarding:

1. Sick leave use if the employee qualifies under Subsections 14.~~32~~(A)(1), 14.~~32~~(A)(4), (A)(5) or (A)(6); or

2. Military leave if the employee qualifies under Subsections 14.32(A)(2).

14.43 Shared Leave Use

A. The Employer will determine the amount of leave, if any, which an employee may receive. However, an employee will not receive more than five hundred twenty-two (522) days of shared leave, except that the Employer may authorize leave in excess of five hundred twenty-two (522) days in extraordinary circumstances for an employee qualifying for the program because they are suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature.

B. The Employer will require the employee to submit, prior to approval or disapproval:

1. A medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return to work status for shared leave under Subsection 14.32(A)(1);
2. A copy of the military orders verifying the employee's required absence for shared leave under Subsection 14.32(A)(2);
3. Proof of acceptance of an employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency for shared leave under Subsection 14.32(A)(3);
4. Verification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ or a hate crime, for shared leave under Subsection 14.32(A)(4);
5. Verification of childbirth or placement of adoption or foster care, when the employee is qualified under Subsection 14.32(A)(5); or

6. Medical certification from a licensed physician or health care provider verifying the pregnancy disability when the employee is qualified under Subsection 14.32(A)(6).

C. The Employer should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage.

D. Leave may be transferred from employees of one (1) community college district to an employee of the same community college district or, with the approval of the heads of both state agencies, higher education institutions, school districts or educational service districts, to an employee of another state agency, higher education institution, school district or educational service district.

E. Vacation, sick leave, or all or part of a personal holiday transferred from a donating employee will be used solely for the purpose stated in this Article.

F. The receiving employee will be paid their regular rate of pay; therefore, the value of one (1) hour of shared leave may cover more or less than one (1) hour of the recipient's salary.

G. The Employer will respond in writing to shared leave requests within fourteen (14) calendar days of receipt of a properly completed request.

14.54 Leave Donation

An employee may donate vacation, sick leave, or personal holiday to another employee for purposes of the leave sharing program under the following conditions:

A. The Employer approves the employee's request to donate a specified amount of vacation to an employee authorized to receive shared leave; and

1. The full-time employee's request to donate leave will not cause their vacation balance to fall below eighty (80) hours. For part-time employees, requirements for vacation balances will be prorated; and

2. Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date, unless an employee's request for vacation leave was denied and the vacation leave was deferred.

B. The Employer approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave. The employee's request to donate sick leave will not cause their sick leave balance to fall below one hundred seventy-six (176) hours after the transfer.

C. The Employer approves the employee's request to donate all or part of their personal holiday to an employee authorized to receive shared leave.

1. That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

2. An employee will be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

D. No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

14.65 Shared Leave Administration

A. The calculation of the recipient's leave value will be in accordance with applicable Office of Financial Management (OFM) policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

1 1. An employee receiving industrial insurance replacement benefits
2 may not receive greater than twenty-five percent (25%) of their base
3 salary from the receipt of shared leave.

4 2. Shared leave may be used intermittently or on nonconsecutive days
5 as long as the leave has not been returned under Section 14.65 F of
6 this Article.

7 B. An employee on shared leave will continue to be classified as a state
8 employee and will receive the same treatment in respect to salary, wages,
9 and employee benefits as the employee would normally receive if using
10 accrued vacation or sick leave.

11 C. All salary and wage payments made to employees while on leave will be
12 made by the state agency, higher education institution, school district or
13 educational service district employing the person receiving the leave.

14 D. Where the Employer has approved the transfer of leave by an employee of
15 one (1) state agency, higher education institution, school district or
16 education service district to an employee of another state agency, higher
17 education institution, school district or education service district, the state
18 agencies, higher education institutions, school district or educational service
19 districts involved will arrange for the transfer of funds and credit for the
20 appropriate value of leave in accordance with OFM policies, regulations,
21 and procedures.

22 E. Leave transferred under this Article will not be used in any calculation to
23 determine a state agency's, higher education institutions, school district's
24 or educational service district's allocation of full-time equivalent staff
25 positions.

26 F. Any shared leave no longer needed or will not be needed at a future time in
27 connection with the original injury or illness or for any other qualifying

condition by the recipient, as determined by the agency head or designee, will be returned to the donor(s). Unused leave approved for an employee who suffers from an illness, injury, impairment, or physical or mental condition which is of an extra ordinary or severe in nature may not be returned until the conditions in [RCW 41.04.665](#)(10)(a)(i) or (ii) are met.

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned will be prorated back based on the donor's original donation.

G. Unused shared leave may not be cashed out but will be returned to the donors per Subsection 14.~~65~~ F.

H. An employee who uses leave that is transferred under this Article will not be required to repay the value of the leave that they used.

I. If a shared leave request is closed and an employee later has a need to use shared leave due to the same condition listed in the closed request, the Employer must approve a new shared leave request for the employee.

14.6 Grievability

Denial of shared leave may only be processed through Step 2 of the grievance procedure in [Article 30](#).

TENTATIVE AGREEMENT REACHED

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

For the Employer

For the Union

[Inti Tapia, Labor Negotiator](#)
[OFM/SHR Labor Relations &](#)
[Compensation Policy Section](#)

[Steve Sloniker,](#)
[Executive Director, WPEA](#)

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