

ARTICLE 18
MISCELLANEOUS LEAVE

18.1 Bereavement Leave

A. Up to five (5) days of paid bereavement leave will be granted for the death of any family member as defined in subsection B, household member as defined in Subsection C, or for loss of pregnancy as defined in subsection E that requires the employee's absence from work.

B. Family is defined as child, grandchild, grandparent, parent, sibling, or spouse 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.

1. Child means biological, adopted, or foster child, stepchild, grandchild, or child who the parent stands in loco parentis, is a legal guardian or is de facto parent, regardless of age or dependency.

2. Parent means a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor child.

3. Spouse means husband, wife, or state registered domestic partner as defined by RCW 26.60.

4. Grandparent means a parent as defined in 18.1(B) 2 above, of the employee's parent.

5. Grandchild means a child of the employee's child, as defined in 18.1 A.1 above.

C. "Household members" is defined as persons who reside in the same home who have reciprocal duties to 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 persons sharing the same general house when the living style is primarily that of a dormitory or commune.

D. In addition, sick leave may be used for the death of a family member, per Subsection 13.2 C.

E. For loss of pregnancy, a qualifying pregnancy is defined as the pregnancy of the employee, or employee parent-to-be including through surrogacy or adoption where the employee would have been the parent.

F. In addition, the Employer may approve an employee's request to use compensatory time, vacation leave, personal holiday, leave without pay, or personal leave for the purposes of bereavement and in accordance with this Agreement.

18.2 Family Care Leave

In accordance with the Washington State Family Care Act, employees may use sick leave, compensatory time, vacation, and/or all or part of a personal holiday to care for a child of the employee with a health condition, or a spouse, state registered domestic partner as defined by RCWs 26.60.020 and 26.60.030, parent, parent-in-law, or grandparent who has a serious health condition. Use of such leave must be in accordance with the terms of this Agreement.

18.3 Military Leave

In accordance with [RCW 38.40.060](#), employees will be entitled to military leave with pay not to exceed twenty-one (21) working days during each year, beginning October 1st and ending the following September 30th, in order to report for required military duty, when called, or to take part in training or drills including those in the National Guard or state active status.

A. Such leave will be in addition to any vacation and sick leave to which an employee is entitled and will not result in any reduction of benefits, performance ratings, privileges or pay.

B. During military leave, the employee will receive the normal base pay. Employees required to appear during working hours for a physical examination to determine physical fitness for military service will receive full pay for the time required to complete the examination.

18.4 Parental Leave

Parental leave will be granted to a permanent employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.

A. Parental leave will not total more than six (6) months, and will run concurrently with leave granted under [Article 16](#), Family and Medical Leave, and any pregnancy disability leave following the birth or placement of a child.

B. Requests for parental leave that exceed the provisions of [Article 16](#), may be denied on the basis of operational necessity.

C. Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.

D. The employee will submit a written request for parental leave to the Employer and must receive the approval prior to taking parental leave. The

employee will provide not less than thirty (30) days' notice, except that if the child's birth or placement requires leave to begin in less than thirty (30) days, the employee will provide notice as is practicable.

E. Parental leave may be a combination of the employee's accrued vacation leave, sick leave for pregnancy disability or other qualifying events, personal holiday, compensatory time or leave without pay.

The Employer may require employees to exhaust all paid leave prior to using any leave without pay for parental leave, except that the employee will be allowed to use eight (8) hours per month of accrued paid leave during each month of parental leave to provide for continuation of benefits as provided by the Public Employees Benefits Board. The Employer will designate on which day of each month the eight (8) hours paid leave will be used.

18.5 Pregnancy Disability Leave

A. Pregnancy disability leave will be in addition to any leave granted under family medical leave or Washington state family leave laws.

B. Pregnancy disability leave will be granted for the period of time that an employee is sick or temporarily disabled because of pregnancy and/or childbirth. The length of pregnancy disability leave will be as defined and certified by the employee's licensed health care provider. The employee will provide a copy of such certification to the Employer.

18.6 Temporary Disability Leave

Temporary disability leave will be granted to a permanent employee who is precluded from performing their job duties because of a disability. Temporary disability leave includes a serious health condition of the employee as provided in [Article 16](#).

A. Temporary disability leave will run concurrently with leave granted under [Article 16](#), Family and Medical Leave. Temporary disability leave will not

total more than twelve (12) months or two thousand, eighty-eight (2088) straight-time hours. For the purposes of intermittent use (i.e. when temporary disability leave is not taken continuously), each hour taken will be deducted from the balance of temporary disability leave available.

- B. The temporary disability and recovery period will be as defined and certified by the employee's licensed health care provider. The employee will provide, in a timely manner, a copy of such certification to the Employer. The Employer may require employees to exhaust all paid leave prior to using any leave without pay for temporary disability leave, except that the employee will be allowed to use eight (8) hours per month of accrued paid leave during each month of temporary disability leave to provide for continuation of benefits as provided by the Public Employees Benefits Board. The Employer will designate on which day of each month the eight (8) hours paid leave will be used.

18.7 Civil Duty Leave

- A. Leave of absence with pay will be granted to an employee to serve on jury duty, to serve as a trial witness, or to exercise other subpoenaed civil duties. An employee will be allowed to retain any compensation paid to them for their jury duty or trial witness service. Specifically, a subpoenaed employee will receive paid leave to appear as a witness in court or an administrative hearing, except as provided in [Subsection 39.4\(A\)\(2\)\(a\)](#), unless they:
1. Are a party to the matter and are not represented by the Office of the Attorney General of the State of Washington; or
 2. Have an economic interest in the matter.
- Nothing in this Subsection will preclude an employee from being paid to appear in court or an administrative hearing on behalf of the Employer.

1 B An employee will inform the Employer when notified of a jury summons
2 or subpoenaed civil duties and will cooperate in requesting a postponement
3 of jury duty service if warranted by business demands.

4 C. An employee whose work shift is other than day shift will be considered to
5 have worked a full work shift for each workday during the period of jury
6 duty or subpoenaed civil duties. If a day shift employee is released from
7 jury duty or subpoenaed civil duties and there are more than two (2) hours
8 remaining on their work shift, the employee will call their supervisor and
9 may be required to return to work.

10 **18.8 Employee Assistance Program**

11 A. The Employer agrees to provide all bargaining unit employees and
12 qualifying family members access to a confidential employee assistance
13 program selected and paid for by the Employer.

14 B. Leave of absence with pay will be granted to an employee to attend an initial
15 intake and assessment session from an employee assistance program, if it
16 occurs during the employee's scheduled work shift.

17 C. The Employer may approve an employee-requested schedule change, use
18 of paid leave or leave without pay to attend any other appointment(s) with
19 an employee assistance program.

20 **18.9 Interviews**

21 A. Employees will receive leave of absence with pay for interviewing for
22 positions within the employee's college, if scheduled during an employee's
23 scheduled work time.

24 B. Employees will receive leave of absence with pay for up to four (4) hours
25 per fiscal year for travel and interviews within the employee's district, if
26 scheduled during an employee's scheduled work time.

18.10 Life-Giving Procedures, Blood Platelet and Fluid Donations

A. When approved, employees will receive leave of absence with pay during an employee's work schedule, not to exceed thirty (30) working days in a two (2) year period, for participating and any subsequent incapacity to work due to recovery for life-giving procedures. Such leave shall not be charged against sick leave or annual leave, and use of leave without pay is not required.

"Life-giving procedure" is defined as a medically-supervised procedure involving the testing, sampling, or donation of blood, platelets, organs, fluids, tissues, and other human body components for the purposes of donation, without compensation, to a person or organization for medically necessary treatments. Employees will provide reasonable advance notice and written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure. The notice will include any expected duration of incapacity to work for recovery purposes. Employers may take into account program and staffing replacement requirements in the scheduling of leave for life-giving procedures and subsequent recovery.

B. When approved, employees will receive paid leave, not to exceed five (5) working days in a two (2) year period, for the donation of blood platelets or fluids to a person or organization for medically necessary treatments. The Employer may approve additional days through the use of accrued paid leave. Employees will provide reasonable advance notice and written proof from an accredited medical institution, physician or other medical professional that the employee participated in the donation procedure. Agencies may take into account program and staffing replacement requirements in the scheduling of leave for these donations.

18.11 Personal Leave

A. An employee may choose three (3) workdays as personal leave days each fiscal year during the life of this Agreement.

B. The college/district will release the employee from work on the day selected for personal leave if:

1. The employee has given at least fourteen (14) calendar days' written notice to the supervisor. However, the supervisor has the discretion to allow a shorter notice period.

2. The number of employees choosing a specific day off allows a college/district to continue its work efficiently and not incur overtime.

3. The leave does not conflict with the business needs of the Employer.

4. For positions requiring backfill, the release from duty will not cause an increase in costs due to the need to provide coverage for the employee's absence.

C. Personal leave may not be carried over.

D. The pay of an employee's personal leave day is equivalent to the employee's work shift on the day selected for the personal leave day absence.

E. Upon request, an employee will be approved to use part or all of their personal leave day for:

1. The care of family members as required by the Family Care Act, [WAC 296 130](#);

2. Leave as required by the Military Family Leave Act, [RCW 49.77](#) and in accordance with [Section 19.13](#); or

3. Leave as required by the Domestic Violence Leave Act, [RCW 49.76](#).

4. Any remaining portions of a personal leave day must be taken as one (1) absence, not to exceed the work shift on the day of the absence.

18.12 Vaccination Leave

An employee will be allowed to take a reasonable amount of leave with pay for the employee to travel and receive the CDC recommended vaccine(s) during a declared state of emergency due to a pandemic, if the vaccine is not offered at the workplace.

An employer may authorize leave in excess of one day in extraordinary circumstances, such as accommodating travel where the CDC recommended vaccines are unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination.

18.13

~~Wildfire~~ Disaster Leave

In the event the Governor declares that a state of emergency exists in any area of the state of Washington, Agencies may grant up to 24 hours of leave with pay per occurrence to employees who are experiencing extraordinary or severe impacts, such as displacement from their homes temporarily or permanently through evacuation or significant damage or loss.

Agencies may require verification of the extraordinary or severe impacts related to the use of leave with pay and may take into account emergency operations requirements and/or program and staffing replacement requirements in the approval and scheduling of leave under this subsection in order to allow for the provision of continued essential services to the public. Leave under this subsection must be used within 3 months from the date of the declaration. If hours of leave with pay are approved, an employee is not required to use them consecutively, and the leave does not need to be taken in full day increments.

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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

 Date

 Date

Inti Tapia, Labor Negotiator
OFM/SHR Labor Relations &
Compensation Policy Section

Steve Sloniker,
Executive Director, WPEA

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