

Administrative Procedure

Name of Procedure: Shared Leave Procedure 250.3A

Policy Number: 250

General Information

The purpose of the shared leave program is to permit state employees, at no significantly increased cost to the state, of providing leave to come to the aid of another state employee that meets the criteria outlined in the eligibility section below ([WAC 357-31-390, Article 13 of the Collective Bargaining Agreement](#)).

Eligibility

Only full-time employees and adjunct faculty may be eligible to receive shared leave and/or donate shared leave. Part-time hourly, work study, and student help employees are not eligible to participate in the shared leave program.

Full-time employees and adjunct faculty may only receive shared leave if one of the qualifying reasons outlined below causes them to go on leave without pay status or terminate their employment.

Qualifying Reasons

Employees may be eligible to receive shared leave if they:

- Suffer from, or they have a relative or household member suffering from an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature
- Have been called to service in the uniformed services
- Suffer from pregnancy disability
- Will be bonding with a new baby or newly placed child
- Are a victim of domestic violence, sexual assault, or stalking as defined in [RCW 41.04.655](#)
- Have volunteered services to either a government agency or nonprofit organization engaged in humanitarian relief after a devastating event

“Severe” or “extraordinary” is defined as a serious or extreme and/or life threatening.

The criteria for an illness or injury under shared leave is different than those for FMLA. Examples of “severe” or “extraordinary” situations that typically meet the criteria for shared leave include:

- Major surgery with inpatient hospital stay
- Outpatient surgery for severe condition
- Cancer and treatment
- Hospitalization for a severe physical or mental condition
- Enrollment in an ongoing behavioral health treatment program (inpatient or day) requiring continuous leave from work
- Bed rest due to high-risk, pregnancy-related complications

Conditions that do not typically meet the criteria include:

- Flu
- Chicken pox
- Sprained ankle
- Elective cosmetic surgery
- Intermittent leave for chronic, ongoing medical conditions

The College uses the information provided by your health-care provider to determine whether your medical situation meets the definition of "severe, extraordinary, or life-threatening." A job-related injury or illness that is covered by workers' compensation does not qualify for shared leave.

Process for Requesting Shared Leave

All shared leave documentation is coordinated through Human Resources. Employees may request shared leave by completing the [Shared Leave Request Form](#) and indicating the qualifying reason for their request and providing any additional documentation that is required to serve as verification for the shared leave request. Supporting documentation also helps identify the anticipated duration of the need for shared leave. Each qualifying reason requires specific documentation to support the request.

1. Medical Condition

Employee's medical provider or relative/household member's medical provider must complete the medical certification form (pages 3-4 on the [Shared Leave Request Form](#)). The completed form is submitted to Human Resources.

2. Military

Submit a copy of the military orders verifying employee's required absence to Human Resources.

3. Victim of Domestic Violence, Sexual Assault, or Stalking

Provide one of the following to Human Resources:

- *A police report indicating that you are a victim of domestic violence, sexual assault, or stalking;*
- *A court order protecting or separating you from the perpetrator of the act of domestic violence, sexual assault, or stalking;*
- *Evidence from the court or prosecuting attorney that you appeared or are scheduled to appear in court in connection with the incident of domestic violence, sexual assault, or stalking;*
- *Written statement that you are a victim of domestic violence, sexual assault, or stalking;*
- *Documentation that you are a victim of domestic violence, sexual assault, or stalking from anyone with whom is familiar with your situation, an attorney, member of the clergy, medical or other professional*

4. Volunteered Services for Emergency

Provide proof of acceptance of an employee's offer to volunteer for either a government agency or nonprofit organization during declared state of emergency.

After receiving the shared leave request form and any additional documentation required, Human Resources will approve or deny the request. The employee will be notified of the decision. If approved, Human Resources will request leave donations for the employee from fellow faculty and staff.

For some shared leave requests, it may not be necessary to request donations from all faculty and staff. For instance, if an employee volunteers to donate enough leave to cover the shared leave request for the absences, we would not need to ask for additional donations.

**Please note that if the medical leave is planned/scheduled, employees may not receive retro shared leave donations. They will receive donations for absences occurring after the form is submitted and approved.*

The College may also consider other methods of accommodating the employee's needs such as modified duty, modified hours, flextime, or special assignments in place of shared leave.

Process for Donating

Full-time employees and adjunct faculty may donate shared leave to the requesting employee by the [Shared Leave Donation Form](#). Eligible employees may donate vacation, sick leave, and/or personal holidays. Donations will only be processed if the donating employee's leave balances do not fall under specified balances outlined below.

Types & Limitations on Leave Donations

Vacation:

Employees may donate vacation leave if this does not cause their vacation leave balance to fall below 80 hours. For full-time employees that work less than 40 hours/week, requirements for vacation leave balances are prorated.

Sick Leave:

Employees may donate any amount of sick leave provided the donation does not cause their sick leave balances to fall below 176 hours after the transfer.

RCW 41.04.665 allows employees of higher education institutions who do not accrue vacation leave but do accrue sick leave to donate sick leave. The donation cannot cause the employee's sick leave balance to fall below 22 days.

Personal holiday:

An employee may donate all or part of a personal holiday. Any portion of the personal holiday that is not used shall be returned to the donating employee, and may be used by the donor if the returned donation occurs and is then used in the same calendar year that it was donated. If the hours are returned during a different calendar, the employee cannot use the remaining hours.

Receiving Shared Leave

Employees who are receiving shared leave may bank up to 40 hours of vacation and 40 hours of sick leave while receiving shared leave ([RCW 41.04.665\(13\)](#)). Employees on shared leave will continue to receive the same salary, wage, and employee benefits that they normally receive when using paid leave ([RCW 41.04.665\(7\)](#)). Employees must submit absences accordingly and select shared leave requesting for the leave type.

Employees receiving industrial insurance wage replacement benefits may not receive greater than 25% of their base salary from receipt of shared leave ([RCW 41.04.655\(2\)\(b\)](#)).

During the annual winter efficiency closure, employees receiving shared leave may use shared leave for the closure days based on their schedule as indicated by their medical provider during that period of time. For example, an employee on consecutive leave, would be able to use shared leave for all of the closure days. An employee that's released to work two hours/day, would be able to use shared leave for six hours/day (for a 1.0 FTE employee) for the closure days.

Shared Leave Maximum

An employee may not receive more than 522 days of shared leave for the entire duration of their state employment. For this purpose, 8 hours shall constitute a day ([RCW 49.28.010](#)).

Human Resources may authorize an employee to receive shared leave in excess of 522 days in extraordinary circumstances if the qualifying employee suffers from an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature.

Unused Shared Leave Return

The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when we find that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition.

Unused shared leave may not be returned until one of the following occurs:

- HR receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved
- The employee is released to full-time employment, has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months, and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved

Transfer of Shared Leave

Shared leave can transfer within a state agency and account, between accounts or agencies, or between agencies, educational service districts, and school districts.

Transfer of leave requires approval from both the donor and donee agencies. Human Resources coordinates a shared leave transfer.

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

Questions?

Contact Human Resources, 360-442-2120, or Payroll, 360-442-2220, with any questions

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