POLICY

REVIEW/REVISION HISTORY:

Effective: 1/22/99
Revised: 5/3/04
Revised: 4/10/07
Revised: 10/30/08
Revised: 4/14/14
Revised: 8/15/18

SUMMARY OF REVISION/REVIEW:

IV.D., IV.F., IV.F.1., IV.H. - Adjusted language for clarification
II.B. - Added qualifying criteria for shared leave for pregnancy disability, parental leave,
veterans, and licensed foster parents
II.C.3. - Added employees are not required to deplete all vacation and/or sick leave for
pregnancy disability and parental leave
III.D. - Added a new DOC 03-114 Shared Leave Request is required if an account is closed
and needs to be used for the same condition again
V.B. - Added requirements for when unused shared leave may be returned to donor
V.F. - Removed unnecessary information regarding when unused shared leave may be
returned to donor
Added Parental Leave to definitions

APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

8/15/18
Date Signed
REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 38.40.060; RCW 41.04; RCW 74.15.040; WAC 357-01-072; WAC 357-31; DOC 830.100 Leave; DOC 830.120 Family and Medical Leave; SAAM 25.40

POLICY:

I. The purpose of shared leave is to permit state employees, at no significantly increased cost to the state, to provide leave to other state employees under certain circumstances. Shared leave will be monitored, controlled, tracked, and handled confidentially.

II. For the purposes of this policy, a relative is an employee’s spouse/state-registered domestic partner, child, grandchild, parent, or grandparent. A child is an employee’s biological/adopted/foster child, stepchild, or legal ward, or a child for whom the employee stands in loco parentis (i.e., in the place of a parent).

DIRECTIVE:

I. General Requirements

A. An employee using shared leave will continue to be classified as a state employee and receive the same treatment regarding salary, wages, and employment benefits as s/he would receive if using another form of paid leave.

B. If an employee uses shared leave while in probationary or trial service status, his/her probationary or trial service period will be extended by the number of days s/he is on shared leave, unless the shared leave is based on the employee’s call to active duty in the uniformed services.

II. Eligibility

A. An employee is eligible to request participation in the shared leave program when s/he is qualified to accrue sick or vacation leave.

1. Employees approved for time loss compensation and other benefits (e.g., workers’ compensation) from the Washington State Department of Labor and Industries are not eligible to receive shared leave.

   a. An employee may apply for shared leave if his/her workers’ compensation claim is denied. If the claim is later approved, the shared leave eligibility will be rescinded.
2. Non-permanent employees who are eligible to use their accrued leave or personal holiday may be approved for and use shared leave up to the expected end date of their non-permanent appointment.

B. Qualifying criteria for shared leave include:

1. Suffering from, or has a relative or household member who suffers from, an illness, injury, impairment, or physical or mental condition which is serious, extreme, or life-threatening.
   a. Examples may include, but will not be limited to:
      1) Life-threatening illness requiring surgery or other debilitating treatment (e.g., chemotherapy, radiation),
      2) Cognitive or reasoning impairment, including mental illness that cannot be controlled by prescription medication, when the impairment makes the individual incapable of productive employment,
      3) Major surgery requiring extended hospitalization, including surgical recovery period,
      4) Terminal illness or condition that makes the individual incapable of productive employment, and/or
      5) Traumatic injury that makes the individual incapable of working for an extended period of time.

2. Being sick or temporarily disabled because of pregnancy disability (i.e., pregnancy-related medical condition or miscarriage).

3. Parental leave to bond with the employee's newborn, adoptive, or foster child.

4. Being called to active duty in the uniformed services.

5. Being a current member of the uniformed services or veteran as defined in RCW 41.04.005 and is attending medical appointments/treatments for a service connected injury/disability.

6. Being an employee who is the spouse of a current member of the uniformed services or veteran who requires assistance while attending medical appointments/treatments for a service connected injury/disability.
7. Being a licensed foster parent per RCW 74.15.040 needing to care for or preparing to accept a foster child in his/her home.

8. Volunteering with a government agency or non-profit organization during a state of emergency declared by the federal or any U.S. state government, when the employee has the skills needed to assist in responding to the emergency or its aftermath.

9. Being a victim of domestic violence, sexual assault, or stalking as defined per RCW 41.04.655.

C. Employees must exhaust compensatory time, personal holiday, vacation leave, and sick leave before using shared leave.

1. Employees must also exhaust paid military leave allowed per RCW 38.40.060 for active duty in the uniformed services.

2. An employee temporarily disabled because of pregnancy disability or on parental leave for the purpose of bonding with his/her newborn, adoptive, or foster child, is not required to deplete all of his/her vacation and/or sick leave to be approved for shared leave.

   a. Up to 40 hours of vacation leave and 40 hours of sick leave may be left in reserve.

III. Requests to Participate

A. Requests for shared leave should be made in advance, when possible, and must be made within 60 days following the date for which shared leave is requested to begin.

B. Employees will complete DOC 03-114 Shared Leave Request and submit it with the following required verifying documentation, as appropriate, to their Human Resources Office for recommendation to the Appointing Authority:

1. DOC 03-271 Shared Leave Medical Certificate or equivalent from a licensed physician or health care practitioner which:

   a. Verifies the serious, extreme, or life-threatening nature of the condition,

   b. Demonstrates that the health condition meets the shared leave criteria, and

   c. Specifies the expected duration of the condition.
2. A copy of military orders.

3. Proof of acceptance of the employee’s offer to volunteer with a government agency or non-profit organization during a declared state of emergency.

4. One or more of the following documents verifying domestic violence, sexual assault, or stalking:
   a. A police report identifying the employee as a victim.
   b. A court order protecting or separating the employee from the perpetrator.
   c. Evidence from the court or Prosecuting Attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault, or stalking.
   d. The employee’s written statement that s/he is a victim.
   e. Documentation from any of the following individuals from whom the employee or employee’s relative sought assistance in addressing the domestic violence, sexual assault, or stalking:
      1) An advocate for victims of domestic violence, sexual assault, or stalking,
      2) An attorney,
      3) A member of the clergy, or
      4) A medical or other professional.

C. If the employee is incapacitated, his/her representative may provide the required documentation.

D. Employees must submit a new DOC 03-114 Shared Leave Request if a previous shared leave account is closed and the employee later has a need to use shared leave due to the same condition.

E. When determining whether to grant a request for shared leave, the Department will consider whether the employee:
   1. Has entered or will likely enter leave without pay status due to the qualifying criteria and may terminate his/her state employment.
   2. Has abided by the Department’s rules regarding sick leave and/or military leave per DOC 830.100 Leave, if applicable.
3. Has diligently pursued and been found ineligible for workers’ compensation benefits, if applicable.

4. Is eligible for or receiving Family and Medical Leave per DOC 830.120 Family and Medical Leave, if applicable.
   a. The Appointing Authority may deny shared leave use beyond the employee’s approved Family and Medical Leave entitlement.
      1) The Appointing Authority may approve 8 hours of shared leave beyond the end of the Family and Medical Leave period to continue insurance coverage into the following month.

F. In lieu of shared leave, other methods may be considered to temporarily accommodate an employee’s needs (e.g., modified job duties or work schedule/setting, flextime).

G. The Appointing Authority’s decision is final. If approved, the Human Resources Office will route a copy of the signed DOC 03-114 Shared Leave Request to the Payroll Office and process the request.

1. Shared leave for a medical condition will be granted in increments of no more than 90 days per condition or event. Shared leave granted as a result of domestic violence will be granted in increments of no more than 60 days.
   a. If the employee needs additional leave, s/he will need to submit a new DOC 03-114 Shared Leave Request with new verifying documentation.

2. An employee’s amount of shared leave may be limited by the Appointing Authority based on operational necessity or the licensed physician/health care practitioner’s recommendation.

3. If donated leave is received, employees may:
   a. Request payment for leave without pay incurred during the period covered by the request.
   b. Use the donated leave during their optional long-term disability insurance waiting period, up to a maximum of 522 days for a fulltime employee and prorated for all other employees.
4. If the leave is denied, the Human Resources Office will immediately notify the employee of the Appointing Authority’s denial.

H. Shared leave donations used will not exceed 522 days during the employee’s total state employment, unless approved by his/her supervisor for extraordinary circumstances for an employee suffering from an illness, injury, impairment, or physical or mental condition which is serious, extreme, or life-threatening.

1. Shared leave from the Uniformed Service Shared Leave Pool (USSLP), Veterans’ In-State Service Shared Leave Pool (VISSLP), and Foster Parent Shared Leave Pool (FPSLP) are not counted toward the maximum hours or days of shared leave granted.

IV. Donating Leave

A. Employees may donate vacation leave, provided the donation does not cause their vacation leave balance to fall below 80 hours. For part-time employees, the required minimum balance will be prorated.

B. Employees may donate sick leave, provided the donation does not cause their sick leave balance to fall below 176 hours.

C. Employees may donate all or part of their personal holiday. When donating a part of their personal holiday, employees must use the remainder of their personal holiday in one absence and in accordance with WAC 357-31-425 and DOC 830.100 Leave.

D. Donated leave and personal holiday are transferable between employees in different agencies with approval from both agency heads/designees and coordinated through the local payroll offices.

E. Donated leave or personal holidays will not be transferred to the receiving employee until an approved DOC 03-114 Shared Leave Request is received by the Payroll Office.

F. The Payroll Office will process donations per State Administrative and Accounting Manual 25.40 and WAC 357-31.

1. Once approved, a message soliciting shared leave donations may be posted on behalf of the requesting employee, unless s/he waives this option on DOC 03-114 Shared Leave Request.

G. Employees who wish to donate leave or their personal holiday to another employee will complete and submit DOC 03-115 Shared Leave Donation to their Payroll Office. Donation forms should be submitted as soon as possible, but
must be submitted no later than 60 days following the end of the approved shared leave period.

H. Employees who wish to donate leave to the USSLP, VISSLP, or FPSLP will complete and submit DOC 03-115 Shared Leave Donation to the Payroll Office. The Payroll Office will complete its portion and forward the form to the appropriate government agency.

V. Return of Unused Shared Leave

A. Donated leave will only be returned when the receiving employee does not use all the donated hours. To the extent feasible, the amount and type of leave returned will be prorated based on the original donation.

B. Unused shared leave may not be returned until:

1. The Appointing Authority receives a statement from the receiving employee’s licensed physician or health care practitioner verifying the illness/injury is resolved, or

2. The receiving employee returns to fulltime employment and his/her licensed physician or health care practitioner has declined, in writing, to provide a statement indicating the employee’s condition has been resolved.

   a. The employee may not have received additional medical treatment for his/her current condition or any other qualifying condition for at least 6 months.

C. The local Human Resources Office will notify the Payroll Office immediately when they receive notification the receiving employee has returned to work.

D. The Payroll Office will complete the process of returning unused leave to the donor(s) no later than 120 days following the end of the eligible shared leave period.

   1. Donating employees will be sent electronic notification of the return of any donated leave or personal holiday hours.

E. Any personal holiday hours returned after the year they were accrued cannot be used. The donating employee may use any personal holiday hours returned during the same calendar year they were donated.

F. No repayment of shared leave is required once used by the employee.
DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Household Member, Parental Leave. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 03-114 Shared Leave Request
DOC 03-115 Shared Leave Donation
DOC 03-271 Shared Leave Medical Certificate