



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE
Non-represented Only

REVISION DATE
4/12/21

PAGE NUMBER
1 of 11

NUMBER
DOC 830.100

POLICY

TITLE

LEAVE

REVIEW/REVISION HISTORY:

- Effective: 7/1/83 DOC 826.005
- Revised: 10/1/85
- Revised: 4/29/04 DOC 830.100
- Revised: 3/1/06
- Revised: 8/31/07
- Revised: 10/30/08
- Revised: 6/4/12
- Revised: 7/1/13
- Revised: 4/12/21

SUMMARY OF REVISION/REVIEW:

Major changes to include alignment with updated statutes and updated terminology throughout. Read carefully!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

3/8/21

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 26.50.010](#); [RCW 38.40.060](#); [RCW 49.76](#); [RCW 73.16](#); [WAC 296-128-660](#); [WAC 357-01](#); [WAC 357-28](#); [WAC 357-31](#); [WAC 357-46](#); DOC 830.030 Shared Leave; DOC 830.120 Family and Medical Leave

POLICY:


- I. Paid time off work is a benefit provided to employees and offers financial protection in the event of personal or family illness. Employees are encouraged to judiciously use their accrued leave options in a manner that best protects them from the risk of any financial loss associated with unexpected and/or extended absences from work.
- II. The Department will provide and administer leave in accordance with applicable state civil service rules and federal and state laws.

DIRECTIVE:


- I. General Requirements
 - A. Employees are expected to maintain reliable attendance and report to work on time and as scheduled. Employees will notify their supervisors in the event of unexpected needs that cause absence, lateness, or the need to leave work early.
 - B. Leave requests, use, and approvals will comply with WAC 357-31. Employees may be required to provide verification for the request.
 - C. Leave requests will be submitted using DOC 03-407 Leave Request or through Washington State’s approved Human Resources application (e.g., MyPortal), as applicable. Supervisors/designees will consider the needs of employees when granting requests but may require that leave be taken when it will least interfere with work requirements.
 1. Types of leave include, but are not limited to:
 - a. Sick leave,
 - b. Vacation leave,
 - c. Personal holiday,
 - d. Shared leave,
 - e. Family and Medical Leave (FML), including Paid FML,
 - f. Civil duty leave,
 - g. Military leave,
 - h. Leave without pay,
 - i. Time loss due to job-related injury or illness,
 - j. Compensatory time,

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- k. Bereavement leave, and
 - l. Exchange time.
 - 2. Requests will be submitted in advance when the absence is anticipated.
 - 3. When the reason for absence is unexpected and prohibits advance approval, regardless of the reason for the absence or type of leave taken, the employee will:
 - a. Promptly report the absence and the anticipated return date to the supervisor/designee as soon as the employee is aware of the need to be absent, but no later than the first day of the absence, and each day thereafter, unless approved by the supervisor/designee.
 - 1) If in a position for which a relief replacement is necessary, the employee will notify the supervisor/designee of the absence at least 2 hours before the employee's scheduled time to report to work.
 - b. Submit leave requests no later than the beginning of the first day back to work.
 - c. State the general reason for the leave when reporting the absence and when submitting the leave request.
 - 4. An employee's failure to submit leave requests within the appropriate pay period may result in leave without pay.
- D. Employees will use any accrued compensatory time before using vacation leave, unless doing so would result in the loss of accrued vacation leave.
 - E. Requests for vacation leave, sick leave, compensatory time, or personal holiday should be approved/denied by the appropriate supervisor/designee within 7 days of the date the request was submitted. If the request is submitted less than 7 days before the effective date, the supervisor/designee will approve/deny the request at least one day before the requested day of leave.
 - F. The Appointing Authority/designee will approve/deny all other leave requests. The employee may request status information within 15 days from the date the request was submitted and will receive a reason for any denials.
 - G. The supervisor/designee will monitor leave usage. An employee's unscheduled leave use, except paid sick leave and/or legally protected leave (e.g., FML), may be addressed as a performance issue by the supervisor/designee and/or Appointing Authority.

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- H. Employees may be eligible to participate in the shared leave program per DOC 830.030 Shared Leave.
- I. Employees who may be eligible for FML, including paid FML, should review DOC 830.120 Family and Medical Leave and/or consult with their local Human Resources Office.
 - 1. Employees eligible for Paid FML may be allowed to use accrued leave as a supplemental benefit per WAC 357-31-248.
- II. Vacation Leave
 - A. Requests for vacation leave will be approved in advance, unless used in lieu of sick leave, to respond to a family care emergency as defined by this policy, or for an emergency health condition.
 - 1. Supervisors/designees will approve the use of accrued vacation leave for any reason listed in WAC 357-31-200. Approval may be subject to verification that the condition or circumstance exists.
 - 2. Use of vacation leave in lieu of sick leave is subject to the sick leave provisions.
 - B. Employees will ensure they have accrued sufficient vacation leave to cover their request. Employees may not use vacation leave in advance of its accrual.
 - C. Vacation leave accumulated may not exceed the maximum balance of 240 hours, except as follows:
 - 1. Leave accumulated above the 240 hours maximum may be used until the next anniversary of the employee's state service date. Any excess leave not used by that date will be lost and cannot be restored.
 - 2. If the employee is close to the maximum and is denied vacation leave, the employee may submit a written statement of necessity for excess vacation leave through Human Resources to request to defer vacation leave accrual. Requests will be approved/denied by the Appointing Authority and documented in the employee's personnel file.
 - a. If approved by the Appointing Authority, the employee's vacation leave accrual will be deferred for each month the request for vacation leave is postponed. The employee must use the deferred leave by the next anniversary of the state service date.

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b. Only leave that the employee has not accrued as of the date the request is submitted will be deferred. Any excess leave accrued will not be deferred, regardless of circumstances.

D. Employees will cooperate with supervisors/designees to plan work requirements to take accrued leave and ensure the maximum balance is not exceeded.

III. Sick Leave

A. Employees will report and use sick leave appropriately. Employees will cooperate with supervisors/designees in reporting the type of leave to be used.

B. Approval may be subject to medical verification or certification of the reason for sick leave use as follows:

1. If an employee uses paid sick leave for more than 3 consecutive days per WAC 296-128-660.
2. To assist the Department in protecting the employee from returning to work too soon following an illness or injury.
3. To protect coworkers or individuals under the Department's jurisdiction from contagious illness when attendance at work would jeopardize the health of others.
4. For FML purposes.


IV. Military Leave

A. Leave for employees ordered to report for required military duty, training, or drills in the uniformed services will be administered per this policy, applicable state and civil service rules, and federal and state laws.

B. Eligible employees will be granted military leave with pay, not to exceed 21 days each year (i.e., October 1 - September 30), to report for required military duty, training, or drills in the uniformed services, which include the:

1. United States Army, Navy, Air Force, Coast Guard, or Marine Corps, or any other organized reserve or armed forces of the United States, and
2. Washington National Guard.

C. Military leave with pay is in addition to any accrued leave, and does not reduce benefits, performance ratings, privileges, or pay.

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1. During paid military leave, the eligible employee will receive regular base pay.
 2. The employee will only be charged military leave for days the employee is scheduled to work.
 3. No adjustments will be made to the seniority date, anniversary date, unbroken service date, vacation leave accrual rate, or periodic increment date while an employee is on paid military leave or a military leave of absence without pay, or any combination thereof.
- D. In addition to military leave with pay, the employee may use other accrued leave or request an unpaid military leave of absence.
- E. When possible, the employee will request military leave 2 weeks in advance of taking the anticipated leave. Military orders or other military documents supporting the need for leave will be required before actual leave or, in emergent situations, as soon as practicable.
- F. Eligible employees required to appear during working hours for a physical examination to determine fitness for military service will receive full pay for the time required to complete the examination.
- G. Employees who separate from state service to report for active military duty and return to state service following duty will be immediately reinstated with all rights, benefits, and seniority based on state employment they would have had if not for the military absence.
1. This does not apply when the appointment the employee left was of short duration and eliminated after being vacated (e.g., non-permanent, project).
- H. During a period of military conflict, employees with a spouse/state registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves who has been notified of an impending call to active duty may take up to 15 days of unpaid leave before their spouse/partner deploys or when their spouse/partner is on leave from deployment.
1. The employee will request leave within 5 business days of the spouse/partner receiving official notice.
 2. The employee may choose to use accrued leave in lieu of leave without pay.
- V. Severe Inclement Weather



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- A. Employees reporting to a facility/office late due to severe inclement weather conditions will be allowed up to one hour of paid time at the beginning of their work schedule.
- B. Absence due to tardiness in excess of one hour or an employee’s inability to report for scheduled work because of severe inclement weather conditions will be charged to the following in the order listed:
 - 1. Compensatory time,
 - 2. Accrued vacation leave, then
 - 3. Accrued sick leave, up to a maximum of 3 days per calendar year.
- C. Employees may request to use leave without pay in lieu of paid leave.

VI. Bereavement Leave

- A. In the event of the death of a family member as defined in WAC 357-01-172 or a household member as defined in WAC 357-01-182, employees may request up to 3 days of paid bereavement leave.
- B. In addition to paid bereavement leave, the employee may be approved to use accrued compensatory time, sick leave, vacation leave, a personal holiday, and/or leave without pay.

VII. Family Care Emergency

- A. Leave for a family care emergency will be authorized to care for a spouse/state registered domestic partner, household member, child/stepchild, parent, or grandparent.
- B. A family care emergency is defined as:
 - 1. Minor/dependent childcare emergencies (e.g., unexpected absence of regular care provider, unexpected school closures, unexpected need to pick up child at school earlier than normal).
 - 2. Elder care emergencies (e.g., unexpected absence of regular care provider, unexpected closure of an assisted living facility).
- C. After using all accrued compensatory time, the employee may use their personal holiday or up to 3 days of vacation leave, sick leave, or leave without pay per calendar year for family care emergencies.
 - 1. The Appointing Authority may approve additional leave.

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- D. The employee must notify their supervisor/designee at the beginning of the absence. No advance approval is required.

VIII. Domestic Violence Leave

- A. Employees may use a reasonable amount of accrued leave or unpaid leave if they, or their family member, are a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020.
- B. The amount of leave considered reasonable will be determined on a case-by-case basis.
- C. Verifying documentation may be required.

IX. Leave Without Pay

- A. Except for unexpected sick leave, requests for leave without pay require Appointing Authority approval in advance.
 - 1. When an employee on extended absence has used all accrued paid leave and is unavailable to submit a request for leave without pay, the supervisor/designee will submit a request on the employee's behalf to avoid overpayment.
- B. Authorized leave without pay will be limited to not more than 12 months in any consecutive 5 year period, except for educational leave, military leave, government service leave, leave taken to voluntarily reduce the effect of a layoff, or leave for reasonable accommodation.
- C. When an employee is on leave without pay for more than 15 consecutive days, the seniority, unbroken service, periodic increment, and anniversary dates will be adjusted, except when the absence is due to:
 - 1. Military leave.
 - 2. Government service leave, not to exceed 2 years and one month.
 - 3. Time loss due to work-related injuries or illness sustained while performing a state job.
 - 4. Education leave, contingent upon successful completion of the coursework.
 - 5. Leave taken voluntarily to reduce the effect of an agency layoff.
- D. Unauthorized absence will be treated as unauthorized leave without pay and may be grounds for disciplinary action, up to and including dismissal.

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1. Immediately upon return to work, the employee will explain the reason for the unauthorized absence to their supervisor/designee.
2. Leave requests for unauthorized absences will be denied and the reason will be documented in the Comments section of the leave request.
3. When an employee has been absent without authorized leave and has failed to contact their supervisor/designee for a period of 3 consecutive days, the employee is presumed to have resigned from the position per WAC 357-46-210, unless due to inability or incapacity beyond the employee's control.
 - a. When an employee is presumed to have resigned, the Appointing Authority will send a separation notice to the employee via certified mail to the employee's last known address.

X. Jury Service


- A. Employees will be granted leave with pay when summoned for jury duty or selected to serve on a jury during scheduled work hours. If the duty requires fewer hours than are regularly scheduled, the Appointing Authority/designee will determine, on a case-by-case basis, the need for the employee to return to work for the remainder of the work hours.
- B. Employees performing jury duty will receive their basic salary and be allowed to retain any jury duty-related compensation or travel pay.

XI. Subpoena

- A. Employees will be granted leave with pay to respond to a subpoena when:
 1. The employee has been subpoenaed on the employer's behalf, or
 2. The subpoena is for a legal proceeding that is unrelated to the personal or financial matters of the employee.

XII. Civil Duty

- A. Leave with pay may be granted for participation in civil duty activities (e.g., donating blood, volunteer firefighting, search and rescue efforts) or life-giving procedures, in limited situations, as determined by the Appointing Authority.
 1. Before participation, the employee and supervisor/designee will discuss and determine, in coordination with local human resources employees, whether the anticipated activity will be eligible for civil duty leave.

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XIII. State Examination/Interview


- A. With advance notice, employees may request leave with pay for reasonable travel time to and from examinations/interviews for a position with the State of Washington during scheduled working hours. An employee's request may be denied and/or the number of occurrences and duration limited based upon operational necessity.
- B. Employees are responsible for all expenses and transportation incurred, except employees scheduled for layoff who travel for approved employment interviews with other state agencies will be reimbursed for necessary travel costs.

XIV. Professional Development

- A. Administrative leave may be granted for employees to attend professional meetings, conferences, seminars, and workshops. Employees will be responsible for their own expenses when state funds are unavailable.

XV. Suspended Operations

- A. When it is determined that public safety, health, or property is jeopardized due to emergency conditions, suspended operations may be enacted.
 - 1. Appropriate Emergency Management System policies, operational memorandums, and/or other procedures will be followed.
 - 2. Appointing Authorities with control over the physical plant/office will retain authority to suspend operations. The Office of the Secretary will retain authority over Headquarters' operations.
 - a. When suspending operations, Appointing Authorities will notify the Headquarters Duty Officer and ensure communication with other Appointing Authorities whose operations may be impacted.
- B. If an office or other work location is non-operational due to conditions caused by severe inclement weather, natural disaster, or other emergency circumstances, non-emergency employees may be:
 - 1. Released with no loss of pay during the disruption of services.
 - 2. Reassigned to similar positions at locations within a reasonable driving distance from the non-operational location during the disruption of services.

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3. Subject to a temporary reduction of work hours or temporary layoff per WAC 357-46.
- C. Employees who are required to work during the closure will receive their regular rate of pay for work performed during the period of suspended operations. Overtime worked during the closure will be compensated per WAC 357-28.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Compensatory Time. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 03-407 Leave Request