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

SUMMARY OF REVISION/REVIEW:

I.B. - Added that leave may be requested through Employee Self Service
IV.I. & J. - Removed unnecessary language
X.C. - Adjusted that, except for unexpected sick leave, requests for leave without pay require
Appointing Authority approval in advance

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

5/28/13
Date Signed
POLICY

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 357-01; WAC 357-28; WAC 357-31; WAC 357-46; DOC 830.030 Shared Leave; DOC 830.120 Family and Medical Leave; DOC 830.200 Workers’ Compensation/Return to Work Program; Uniformed Services Employment and Reemployment Rights Act (USERRA)

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 as appropriate in the event of unexpected needs that cause absence, lateness, or the need to leave work early.

B. All requests for leave will be submitted on DOC 03-407 Leave Request or through Employee Self Service, as applicable. Supervisors will consider the needs of employees when granting requests for leave, 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),
   f. Civil duty leave,
   g. Military leave,
   h. Leave without pay,
   i. Time loss due to job related injury or illness,
   j. Compensatory time,
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 precludes prior written approval, the employee will complete the following, regardless of the reason for the absence or type of leave taken:
   a. Promptly report the absence and the anticipated return date to the supervisor 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 otherwise approved by the supervisor. If the employee is in a position for which a relief replacement is necessary, s/he will notify the supervisor of the absence at least 2 hours prior to the employee's scheduled time to report to work.
   b. Provide written leave requests no later than the beginning of his/her first day back to work.
   c. State the general reason for the leave, both when reporting the absence and when completing the leave request.

4. An employee's failure to submit leave requests within the appropriate pay period may result in leave without pay.

C. Employees must use any accrued compensatory time prior to using vacation leave, unless doing so would result in the loss of accrued vacation leave.

D. Requests for vacation leave, sick leave, compensatory time, or personal holiday will normally be approved or denied by the appropriate supervisor or designee within 7 calendar days of the date the request was submitted. If the request is submitted less than 7 calendar days before the effective date, the supervisor or designee will approve or deny the request at least one working day prior to the requested day of leave.

E. The Appointing Authority or designee must approve or deny all other leave requests. The employee may request status information within 15 calendar days from the date the request was submitted. If the request is denied, a reason will be given.

F. Supervisors/designees are responsible to monitor leave usage. An employee's unscheduled leave use may be addressed as a performance issue by the supervisor and/or Appointing Authority.
II. Sick Leave

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

B. Supervisors will approve or deny sick leave requests in compliance with Department policies and WAC 357-31-130.

   1. Supervisors will approve the use of accrued sick leave for any reason listed in WAC 357-31-130(1). Approval may be subject to medical verification or certification of the reason for sick leave use.

   2. Subject to approval by the supervisor, employees may also request to use accrued sick leave for the reasons listed in WAC 357-31-130(2).

C. Supervisors are responsible for consistently administering applicable provisions requiring medical verification or certification. A medical verification or certification may be required:

   1. If personal illness or exposure to a contagious disease continues for more than 5 continuous working days and prevents the employee from reporting to work.

   2. When there is cause to suspect sick leave abuse (i.e., a pattern demonstrated in the use of unscheduled leave, or if the employee calls in sick after being denied vacation leave, compensatory time, or other authorized leave with pay).

   3. To assist the Department in protecting the employee from returning to work too soon following an illness or injury.

   4. To protect co-workers or offenders from contagious illness when attendance at work would jeopardize the health of others.

   5. For Family Medical Leave purposes.

D. Employees who may be eligible for Family Medical Leave should review DOC 830.120 Family and Medical Leave and/or consult with their local Human Resources Office.

III. Vacation Leave

A. Employees must complete 6 months of continuous state employment to be eligible to use accrued vacation leave.
B. All requests for vacation leave will be approved in advance, unless used in lieu of sick leave or to respond to a family care emergency as defined by this policy, or for an emergency health condition per WAC 357-31-200(2).

1. Supervisors 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 of WAC 357-31-130.

C. Employees will ensure they have accrued sufficient vacation leave to cover their request. Employees may not use vacation leave in advance of its accrual.

D. Vacation leave accumulated may not exceed the maximum balance of 240 hours. Employees and supervisors will cooperatively plan work requirements so accrued leave may be taken and the maximum balance is not exceeded. There are 2 exceptions that allow vacation leave to accumulate above the maximum:

1. The employee may use leave accumulated above the 240 hours maximum until the next anniversary of his/her 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, s/he may submit a written statement of necessity for excess vacation leave through Human Resources to request Appointing Authority approval to defer vacation leave accrual. The request and the Appointing Authority’s approval/denial will be placed 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 his/her request for vacation leave is postponed. The employee must use the deferred leave by the next anniversary of his/her state service date.

   b. Only leave that the employee has not accrued as of the date s/he submits the request will be deferred. Any excess leave accrued as of the date the employee submits the request will not be deferred, regardless of circumstances.

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 working 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 to which the employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

1. During paid military leave, the eligible employee will receive his/her regular base pay.
2. The employee will only be charged military leave for days s/he is scheduled to work.

D. In addition to military leave with pay, the employee may use other accrued leave to which s/he might otherwise be entitled or request an unpaid military leave of absence for periods of active duty, training, or drills in the uniformed services.

E. When possible, the employee will request military leave in advance, preferably a minimum of 2 weeks prior to taking the anticipated leave. Military orders or other military documents supporting the need for leave will be required prior to actual leave or, in emergent situations, as soon as practicable.

F. No adjustments are 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.

G. 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. Eligible employees required to attend other meetings and drills during working hours will have the option of requesting compensatory time off, vacation leave, or leave without pay.

H. 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).
I. 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 his/her spouse/partner receiving official notice of:
   a. An impending call to active duty, or
   b. Leave from deployment.

2. The employee may choose to use accrued leave to which s/he might otherwise be entitled in lieu of leave without pay.

J. Employees whose spouse, child, or parent is an active duty service member may be entitled to family and medical leave per DOC 830.120 Family and Medical Leave.

V. Severe Inclement Weather

A. Absence due to 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.

B. Employees may request to use leave without pay in lieu of paid leave.

C. Employees who report to work late due to severe inclement weather conditions will be allowed up to one hour of paid time at the beginning of their work schedule. Inclement weather tardiness in excess of one hour will be charged as provided above.

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. Verification of the family or household member’s death may be required.
C. 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 child care emergencies (e.g., unexpected absence of regular care provider, unexpected school closures, or unexpected need to pick up child at school earlier than normal).

2. Elder care emergencies (e.g., the unexpected absence of regular care provider or unexpected closure of an assisted living facility).

3. Emergent health-related issues of the employee’s spouse/state registered domestic partner or household member.

C. After an employee has used all accrued compensatory time, s/he may use vacation leave, sick leave, leave without pay, or his/her personal holiday for time away from work for family care emergencies.

D. An employee may use up to 3 days of vacation leave, sick leave, or leave without pay each calendar year for family care emergencies. The Appointing Authority may approve additional leave.

E. No advance approval is required, but the employee must notify his/her supervisor at the beginning of the absence. The employee may be required to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

VIII. Domestic Violence Leave

A. Employees may use a reasonable amount of accrued leave or unpaid leave if they, or their family member as defined in WAC 357-01, are a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020. This allowance also applies to persons with whom the employee has a dating relationship.

1. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or
stalking, the employee or the employee’s designee must notify the supervisor or Appointing Authority/designee no later than the end of the first day the employee takes such leave.

B. The amount of leave considered reasonable will be determined on a case by case basis.

C. Verifying documentation, as listed in WAC 357-31-730, will be required.

IX. Shared Leave

A. Employees may be eligible to participate in the shared leave program per DOC 830.030 Shared Leave.

X. Leave Without Pay

A. Leave without pay will be granted for any reason listed in WAC 357-31-327.

B. Leave without pay may be granted for any reason listed in WAC 357-31-330.

C. 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 paid leave to which s/he is entitled and is unavailable to submit a request for leave without pay, the supervisor will submit a request on the employee’s behalf to avoid overpayment.

D. 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.

E. When an employee is on leave without pay for more than 15 consecutive calendar days, his/her 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 his/her state job.
4. Education leave, contingent upon successful completion of the coursework.
5. Leave taken voluntarily to reduce the effect of an agency layoff.
F. Unauthorized absence will be treated as unauthorized leave without pay and may be grounds for disciplinary action, up to and including dismissal.

1. Immediately upon return to work, the employee will explain the reason for the unauthorized absence to his/her supervisor.

2. If the absence is treated as unauthorized leave without pay, the leave request will be denied and the reason for denial 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 his/her supervisor for a period of 3 consecutive working days, the employee is presumed to have resigned from his/her position under the provisions of WAC 357-46-210. Failure to contact the supervisor due to inability or incapacity beyond the employee’s control may negate the presumption.

   a. When an employee is presumed to have resigned from his/her position, the Appointing Authority will separate the employee by sending a separation notice to the employee via certified mail to the employee’s last known address.

XI. Jury Service

   A. Employees will be granted leave with pay when summoned for jury duty or selected to serve on a jury for those hours they would otherwise be scheduled to work. If the duty requires fewer hours than are regularly scheduled, the Appointing Authority or designee will determine, on a case by case basis, the need for the employee to return to work for the remainder of his/her 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. The employer may require documentation or verification of jury duty.

XII. 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. The employee may be required to provide verification of the subpoena.
XIII. 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 for participation in life-giving procedures, in limited situations, as determined by the Appointing Authority.

1. Prior to engaging in such activities, the employee and the supervisor will discuss and determine whether the anticipated activity will be eligible for civil duty leave. Local Human Resources personnel will provide advice.

B. Supervisors will discuss situations that may qualify as civil duty that are not covered in this section with the appropriate Human Resources personnel prior to approving/denying leave.

XIV. State Examination/Interview

A. With advance notice, employees may request leave with pay to take an examination or participate in an interview 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 may be limited based upon operational necessity.

B. Leave with pay for those hours employees would otherwise be scheduled to work may be allowed for reasonable travel time to and from examinations/interviews. Employees are responsible for all expenses and transportation incurred as a result of the examination process, except employees scheduled for layoff who travel for approved employment interviews with other state agencies will be reimbursed for necessary travel costs.

XV. Professional Development

A. The Department may provide administrative leave for employees to attend professional meetings, conferences, seminars, and workshops. Employees will be responsible for their own expenses when state funds are unavailable.

XVI. 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, the 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.

   3. Subject to a temporary reduction of work hours or temporary layoff consistent with 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 must 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