

ARTICLE 15 – LEAVE

15.1 Vacation Leave

A. Employees will retain and carry forward any eligible and unused vacation leave that was accrued prior to the effective date of this Agreement.

B. Vacation Leave Credits

After six (6) months of continuous employment with the University, full-time and part-time employees will be credited with the vacation leave they accrued during the previous six (6) months, according to the rate schedule and accrual eligibility below. Thereafter, full-time and part-time employees will be credited with vacation leave accrued monthly, according to the rate schedule and vacation leave accrual below. Employees cannot use or be compensated for leave accrued during the first six (6) months of employment.

C. Vacation Leave Accrual

Full-time employees will accrue vacation leave according to the rate schedule below under the following conditions:

1. The employee must be employed for fifteen (15) calendar days or more during the month.
2. Any leave without pay taken during the month will not be counted toward the qualifying fifteen (15) calendar days.
3. Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen (15) days count toward the minimum requirement.
4. Vacation leave accrual for other than full-time employees will be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

D. Vacation Leave Accrual Rate Schedule

Full Years of Service	Hours Per Year
During the first year of current continuous employment	Ninety-six (96)
During the second year of current continuous employment	One hundred four (104)
During the third and fourth years of current continuous employment	One hundred twelve (112)
During the fifth, sixth, and seventh years of current continuous employment	One hundred twenty (120)
During the eighth, ninth, and tenth years of total employment	One hundred twenty-eight (128)
During the eleventh year of total employment	One hundred thirty-six (136)
During the twelfth year of total employment	One hundred forty-four (144)
During the thirteenth year of total employment	One hundred fifty-two (152)
During the fourteenth year of total employment	One hundred sixty (160)
During the fifteenth year of total employment	One hundred sixty-eight (168)
During the sixteenth year of total employment and thereafter	One hundred seventy-six (176)

- E. Family Care
Employees may use vacation leave for care of family members as required by the Family Care Act, RCW 49.12, and WAC 296-130.
- F. Vacation Cancellation
Should the Employer be required to cancel scheduled vacation leave because of an emergency, affected employees may select new vacation leave from available dates.
- G. Vacation Leave Maximum
Employees may accumulate maximum vacation balances not to exceed two hundred forty (240) hours. However, there are two (2) exceptions that allow vacation leave to accumulate above the maximum:
 - 1. If an employee's request for vacation leave is denied by the Employer, and the employee is close to the vacation leave maximum, the agency may grant an exception to the maximum. If the agency grants an exception, the employee's vacation leave maximum will be extended for each month that the Employer must defer the employee's request for vacation leave.
 - 2. An employee may also accumulate vacation leave days in excess of two hundred forty (240) hours as long as the employee uses the excess balance prior to his or her anniversary date. Any leave in excess of the maximum that is not deferred in advance of its accrual as described above, will be lost on the employee's anniversary date.
- H. Separation
Any employee, who resigns with adequate notice, retires, is laid-off, or is terminated by the Employer, will be entitled to payment for vacation leave credits. In addition, the estate of a deceased employee will be entitled to payment for vacation leave credits.

15.2 **Sick Leave**

The University will administer and provide sick leave for all employees covered by this Agreement on the same basis as the program is provided for all other University employees, except as otherwise provided for in this Article.

- A. Sick Leave Accrual
 - 1. Full-time employees will accrue eight (8) hours of sick leave per month, if the employee is on an eight (8) hour shift. Employees will accrue ten (10) hours of sick leave per month if the employee is on a ten (10) hour shift. Employees will accrue twelve (12) hours of sick leave per month if the employee is on a twelve (12) hour shift.
- B. Sick Leave Use
Sick leave will be charged in 1/10th of an hour increments and may be used for the following reasons:
 - 1. A personal illness, injury or medical disability that prevents the employee from performing his or her job, or personal medical or dental appointments.

2. Care of family members as required by the Family Care Act, RCW 49.12, WAC 296-130, including care of a family member for illness, injury, and medical or dental appointments.
 3. A death of any relative that requires the employee's absence from work. Sick leave used for bereavement is limited to five (5) days per occurrence. Relatives are defined for this purpose as spouse, significant other, son, daughter, grandchild, foster child, son-in-law, daughter-in-law, grandparent, parent, brother, sister, aunt, uncle, niece, nephew, first cousin, brother-in-law, sister-in-law and corresponding relatives of employee's spouse or significant other.
 4. Qualified Absence under the Family Medical Leave Act.
 5. Exposure of the employee to a contagious disease when attendance at work would jeopardize the health of others. The supervisor may require a written medical certificate.
 6. Parental Leave
- C. Use of Compensatory Time or Vacation Leave for Sick Leave Purposes
The Employer may allow an employee who has used all of his or her sick leave to use compensatory time or vacation leave for sick leave purposes.
- D. Restoration of Vacation Leave
In the event an employee is injured or becomes ill while on vacation leave, the employee may submit a written request to use sick leave and have the equivalent amount of vacation leave restored. The supervisor may require a written medical certificate.
- E. Sick Leave Reporting and Verification
An employee must promptly notify his or her supervisor on the first day of sick leave and each day after, unless there is mutual agreement to do otherwise. If the employee is in a position where a relief replacement is necessary, the employee will notify his or her supervisor at least two (2) hours prior to his or her scheduled time to report to work. If the employer suspects abuse, the Employer may require a written medical certificate for that sick leave absence. An employee returning to work after any sick leave absence may be required to provide written certification from his or her health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.
- F. Sick Leave Annual Cash Out
Each January, employees are eligible to receive cash on a one (1) hour for four (4) hour basis for ninety-six (96) hours or less of their accrued sick leave, if:
1. Their sick leave balance at the end of the previous calendar year exceeds four hundred and eighty (480) hours;
 2. The converted sick leave hours do not reduce their previous calendar year sick leave balance below four hundred and eighty (480) hours; and

3. They notify their payroll office by January 31st that they would like to convert their sick leave hours earned during the previous calendar year, minus any sick leave hours used during the previous year, to cash.

All converted hours will be deducted from the employee's sick leave balance.

G. Sick Leave Separation Cash Out

At the time of retirement as defined by the Department of Retirement Systems regulations and/or state laws relating to retirement, from state service or at death, an eligible employee or the employee's estate will receive cash for his or her total sick leave balance on a one (1) hour for four (4) hour basis. For the purposes of this Section, retirement will not include "vested out of service" employees who leave funds on deposit with the retirement system. In accordance with state and federal law, agencies and employees in bargaining units may agree to form Voluntary Employee Beneficiary Associations (tax-free medical spending accounts) funded by the retiree sick leave cash out described above.

H. Reemployment

Former University employees who are re-employed within three (3) years of leaving state service will be granted all unused sick leave credits they had at separation.

15.3 **Shared Leave**

The University will administer and provide shared leave for all employees covered by this Agreement on the same basis as the program is provided for all other University employees, except as otherwise provided for in this Article.

A. Eligibility

1. An employee may receive shared leave if he/she is likely to take leave without pay (LWOP) or terminate employment due to an extraordinary or severe illness, injury, impairment, or physical or mental condition which causes the employee to be unable to work.
2. Any illness, injury, or impairment which has caused or will likely cause hospitalization or alternative extended treatment or care is considered serious enough to qualify the employee for shared leave.
3. An employee who is likely to take LWOP or terminate employment because he or she has a relative or household member suffering from such a condition may apply to receive shared leave.
4. An employee who has been called to serve in the uniform services.

B. Ineligible

1. An employee who does not accrue sick leave.
2. An employee for whom time loss compensation from the State Department of Labor and Industries has been allowed.

C. Use of Other Leave

An employee must use all accrued sick leave and annual leave before being eligible to use

shared leave. An employee is not required to completely deplete their accrued leave balances to apply for shared leave. An employee requesting shared leave due to being called to serve in the armed services need only deplete their annual leave and paid military leave before taking shared leave.

D. Maximum Hours Received

An employee may receive up to 90 days (522 hours) per event, with a total of 261 days (2088 hours) of shared leave over his or her entire career of state employment.

E. Approval Procedure

1. To request approval to receive shared leave hours, an employee or their representative must submit the following documentation to Human Resource Services:
 - a. Application to Receive Shared Leave, and
 - b. Physician's statement from the employee's physician or relative's or household member's physician or, in the case of the uniformed services, their military orders, and
 - c. Photocopy of the employee's latest Time/Leave Report
2. If the employee is incapacitated or is unavailable due to a call to service in the uniformed services, the employee's representative may complete and submit the documentation.

F. Donating Leave

1. An employee who accrues annual leave and/or sick leave and/or personal holidays may donate a minimum of one hour to an approved shared leave recipient.
2. All donations of leave must be to a specific person.
3. The donor completes and submits a Donation of Shared Leave Hours form.
4. The donor also submits a copy of their most recent Time/Leave Report.
5. Employees voluntarily elect to donate leave and do so with the understanding that donated leave will not be returned, except for any portion not used by the recipient under Section 15.3.L of this Article.

G. Donating Annual Leave

1. The donor must retain an annual leave balance of at least 80 hours at the time the donation is processed.
2. An employee may not donate annual leave hours that would otherwise be lost on the next anniversary date.
3. Minimum annual leave balances are pro-rated for employees working less than full time based upon the percent of the FTE.

H. Donating Sick Leave

The donor employee must retain a minimum of one hundred seventy-six (176) hours of sick leave after the transfer.

I. Donating Personal Holiday

An employee may donate an accrued personal holiday in full or in part. (Personal holiday hours must be donated as full hours only; partial-hour donations are not permitted.)

J. Return to Work

Shared leave may be used in accordance with a doctor's statement outlining a return to work program. Shared leave may be used until exhausted or the employee returns to a full time work schedule whichever occurs first.

K. Shared Leave Administration

1. Employees using shared leave will be considered in active pay status and will receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using annual leave or sick leave.
2. The receiving employee will be paid his or her regular rate of pay; therefore, the value of one hour of donated shared leave may cover more or less than one hour of the recipient's salary.
3. The University will respect an employee's right to privacy. However, upon approval for shared leave, and if the employee so requests, the University will inform the University community of the employee's eligibility for shared leave.
4. Human Resource Services will notify the requesting employee in writing of the decision to approve or deny shared leave including the process for appeal. If an employee disagrees with the decision, that employee may appeal the decision to the Chief Human Resource Officer.

L. Return of Unused Shared Leave

1. Any shared leave not used by the recipient will be returned to the donor(s).
2. The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned will be prorated back based on the donor's original donation.

15.4 Military Leave

An employee who is a member of the National Guard, or reserve component of the Armed Forces of the United States is entitled to paid leave not to exceed twenty-one (21) work days in any training year for active duty training. Such leave shall be granted without loss of pay or other leave and without impairment of other rights or benefits.

15.5 Miscellaneous Leave

A. Employees may be released from duty without loss in pay:

1. To receive assessment from the Employee Assistance Program (EAP)

2. WSU Exams or interviews
3. For life-giving procedures, when approved in advance.

B. Jury Duty

Employees will receive paid leave and be allowed to retain any compensation paid to them for their jury duty service. Employees will promptly inform the Employer when notified of his or her jury duty summons. If selected to be on a jury, employee-requested schedule changes will be approved, to accommodate jury duty service. If employees are released from jury duty and there are more than two (2) hours remaining on their work shift, they may be required to return to work.

C. Bereavement Leave

1. An employee is entitled to three (3) days of paid bereavement leave if his or her family member or household member dies. An employee may request less than three (3) days of bereavement leave.
2. The Employer may require verification of the family member's or household member's death.
3. In addition to paid bereavement leave, the Employer may approve an employee's request to use compensatory time, sick leave, vacation leave, exchange time, his or her personal holiday or leave without pay for purposes of bereavement and in accordance with this Agreement.
4. For purposes of this sub-article a family member is defined as parent, sister, brother, parent-in-law, spouse, grandparent, grandchild, and child. A household member is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.

D. Life-Giving Procedures

When approved, employees will receive paid leave, not to exceed five (5) working days in a two (2) year period, for participating in life-giving procedures. "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 Employer may take into account program and staffing replacement requirements in the scheduling of leave for life-giving procedures.

15.6 **Leave Without Pay**

- A. Leave without pay will be granted for the following reasons:
1. Family and medical leave
 2. Compensable work-related injury or illness leave
 3. Military leave of absence as required by law

B. Leave without pay may be granted at the sole discretion of the Employer for the following reasons:

1. Education leave
2. Child and elder care emergencies
3. Government service in the public interest
4. Conditions applicable for leave with pay
5. Voluntary leave to reduce the effect of the Employer's reduction in force
6. Injury or illness which prevents the employee from returning within the FMLA time periods
7. Leave authorized as a part of a plan to accommodate a person with a disability
8. As otherwise provided for in this Agreement

C. Returning Employee Rights

Employees returning from authorized leave without pay may be employed in the same position or if the leave is for more than three months, in another position in the same job classification as determined by the Chief, provided there is an open position available. If there is no open position available, the layoff provisions of this Agreement shall apply.

D. Military Leave

In addition to the twenty one (21) work days of paid leave granted to employees for active duty or active duty training, unpaid military leave will be granted in accordance with RCW 38.40.060 and applicable federal law. Employees on military leave will be reinstated as provided in RCW 73.16 and applicable federal law. In addition to the twenty one (21) work days, employees called to active military duty will continue to accrue seniority within the state system.

E. Benefit Supplement

Employees may be allowed to utilize accrued sick leave or vacation leave to provide for an extension of Health & Welfare benefits for up to one (1) year when on leave without pay due to an illness or injury.

15.7 **Light Duty**

The Employer may require employees receiving workers compensation time-loss payments to work light duty, consistent with RCW 41.04.520 or as amended and other applicable laws. If an employee is unable to perform this light duty assignment by reason of an illness or injury unrelated to the duty disability injury or condition, the employee may use acquired sick leave.

15.8 Should Washington Administrative Code (WAC) 357-31 yield higher leave benefits, applicable to WSU civil service employees, than noted in this Article, the University will follow the applicable WAC for employees covered by this Agreement.