

ARTICLE 20
SHARED LEAVE

20.1 SHARED LEAVE

- A. **Eligibility:** An employee is able to request participation in the shared leave program when he/she is entitled to accrued sick/annual leave.
1. An employee may receive shared leave if he/she suffers from, or has a relative or household member suffering from, a severe illness, injury, impairment, or physical or mental condition which is of an extraordinary, extreme or life threatening.
 2. An employee who has been called to active duty to serve in the uniform services.
 3. An employee who has been a victim of domestic violence, sexual assault or stalking.
 4. A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his/her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services.
 5. The severe illness, injury, impairment, condition, consequence of domestic violence, sexual assault, or stalking, or the call to military service or emergency volunteer service has caused, or is likely to cause, the employee to go on leave without pay status or terminate state employment.
 6. The employee's absence and use of shared leave are justified.
 7. The employee has depleted or will shortly deplete his/her leave balances.
- B. **Ineligible:** 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 and Personal Leave Day/Personal Holiday before being eligible to use shared leave.

D. **Maximum Hours Received:** An employee may receive up to a total of 261 days (2088 hours) of shared leave per RCW 41.04.665.

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, 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 (1) 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 L of this Article.

G. **Donating Annual Leave**

1. The donor must retain an annual leave balance of at least eighty (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. Shared leave, on an intermittent basis, may be allowed in exceptional circumstances as determined by Human Resource Services when documentation submitted by the employee's treating health care provider supports such a need.
- 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/her regular rate of pay; therefore, the value of one (1) hour of donated shared leave may cover more or less than one (1) 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. If authorized by the employee, the University's Human Resources Services Department will notify the WSU community by electronic announcement of approved shared leave requests.
- M. **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.
- N. Should WAC 357-31 yield higher leave benefits, applicable to WSU civil service employees, than provided for in this, the University will follow the applicable WAC for employees covered by this Agreement.