

ARTICLE 20 SHARED LEAVE

20.1 SHARED LEAVE

- A. **Eligibility:** An employee is able to request participation in the shared leave program when they are entitled to accrued sick/annual leave under the provisions as outlined in Article 17 and Article 18, if the employee meets the following criteria.
1. Suffers from, or has a relative or household member suffering from, a severe or extraordinary illness, injury, impairment, or physical or mental condition. “Severe” or “extraordinary” is defined as serious, extreme or life threatening. An illness, injury, or impairment which has caused or will likely cause hospitalization or alternative extended treatment or care, that without such care there would be detrimental consequences to the individual, may be serious enough to qualify the employee for shared leave. Relative for the purpose of this section is the employee’s spouse, state-registered domestic partner, child, grandchild, grandparent, or parent.
 2. Called to service in the uniform services.
 3. Is a current member of the uniformed services or is a veteran and attends medical appointments or treatments for a service connected injury or disability.
 4. Is a spouse of a current member of the uniformed services or a veteran who requires assistance while attending medical appointments or treatments for a service connected injury or disability.
 5. Needs the time for parental leave. “Parental leave” means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen (16) weeks immediately following the birth or placement.
 6. Is sick or temporarily disabled because of pregnancy disability. “Pregnancy disability” means a pregnancy-related medical condition or miscarriage.
 7. Is a victim of domestic violence, sexual assault or stalking.

8. 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 their 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.
9. The severe illness, injury, impairment, condition, consequence of domestic violence, sexual assault, or stalking, or the call to 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
10. The employee's absence and use of shared leave are justified.
11. The employee has abided by employer leave rules.
12. The employee has depleted or will shortly deplete their leave balances in accordance with Section 20.C below
13. If the illness or injury is claimed to be work-related, the employee for whom time loss compensation from the State Department of Labor and Industries has been allowed may not receive more than twenty-five (25) percent of their base salary as a result of shared leave.

B. **Use of Other Leave:** An employee must use leaves, Compensatory time and Personal Leave Day/Personal Holiday as outlined below before being eligible to use shared leave. "Shortly deplete" means an employee may maintain up to forty (40) hours of applicable annual leave and sick leave in reserve and is not required to deplete all specified leave to qualify for shared leave.

1. The employee has depleted or will shortly deplete their compensatory time, annual leave, accrued sick leave balances and personal holiday under section A.1 of this Article.
2. The employee has depleted or will shortly deplete their compensatory time, annual leave, and paid military leave under section A.2 of this Article.
3. The employee has depleted or will shortly deplete their compensatory time, annual leave if the employee qualifies under section A.8 of this

Article

4. The employee has depleted or will shortly deplete their compensatory time, personal holiday annual leave and sick leave if the employee qualifies under A.5 and A.6 of this Article.

C. **Maximum Leave Received:**

1. Shared leave for a medical condition is granted for up to a total of 90 calendar days or 522 hours (for a full-time employee) per condition or event, or for own condition, their chosen optional long term disability waiting period, whichever is shorter.
2. An employee may receive up to a total of two-hundred and sixty-one (261) days (2088 hours) of shared leave. The University may authorize leave in excess of two-hundred and sixty-one (261) days in extraordinary circumstances as determined by the shared leave program manager, for an employee qualifying for shared leave because the employee is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature.
3. Shared leave received under the foster parent shared leave pool is separate from and not included in the total days/hours as specified in this Article.
4. Shared leave received under the veterans' in-state service shared leave pool is not included in the total days/hours as specified in this Article.
5. Shared leave received under the uniformed service shared leave pool is not included in the total days/hours as specified in this Article.

D. **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. Appropriate substantiating documentation, as specified on the application forms or in law, such as a 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.

E. **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 or appropriate state form if associated with state leave pools as outlined in section 20.M, 20.N and 20.O.
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 K of this Article.

F. **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 Full Time Equivalent.

G. **Donating Sick Leave:** The donor employee must retain a minimum of one hundred seventy-six (176) hours of sick leave after the transfer.

H. **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).

I. **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.

J. **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 their 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. 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.
4. 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 by electronic announcement of the employee's eligibility for shared leave.

K. **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.
3. An employee who has donated their personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to themselves during the same calendar year may use the remaining hours in a single day. If the hours are returned during a different calendar year, the employee cannot use the remaining hours.

- L. 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.

M. **Foster Parent Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.674, the foster parent shared leave pool was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who is a licensed foster parent pursuant to RCW 74.15.040 so they may, care for a foster child; and/or prepare to accept a foster child in their home.
2. The Department of Social and Health Services, and the Office of Financial Management/State Human Resources administer the pool.

N. **Uniformed Services Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.685, the Uniformed Service Shared Leave Pool was created so that state employees who are called to service in the uniformed services will be able to maintain a level of compensation and employee benefits consistent with the amount they would have received had they remained in active state service. The pool allows employees to donate leave to be used as shared leave to fellow state employees called to service in the uniformed services. Employee participation will be voluntary at all times.
2. The Military Department, and the Office of Financial Management/State Human Resources administer the pool.

O. **Veterans' In-State Service Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.672, the Veterans' In-State Service Shared Leave Pool was created to allow employees to voluntarily donate leave to be used as shared leave for: an employee who is a veteran to attend medical appointments or treatments for a service connected injury or disability; or an employee who is a spouse of a veteran who requires assistance while attending medical appointments or treatments for a service connected injury or disability.
2. The Department of Veteran's Affairs, and the Office of Financial Management/State Human Resources administer the pool.

- P. This Article is not subject to the grievance procedure.