

ARTICLE 21
OTHER LEAVE

21.1 LEAVE FOR LIFE GIVING PROCEDURES

- A. Employees are eligible for paid leave for the sole purpose of participating in life-giving procedures.
- B. Paid leave for participation in life-giving procedures:
 - 1. Is not to exceed five (5) days in a two (2) year period;
 - 2. Is not charged against sick leave or annual leave; and
 - 3. Does not require the use of leave without pay.
- C. A 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.
- D. Employees must provide reasonable advance notice of a desire to take paid leave time to participate in life-giving procedures. Supervisors may take into account program implementation and staffing replacement requirements in determining whether or not to grant such leave time.
- E. In order to be credited with organ/blood donation leave time, an employee must provide written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.
- F. Employees may additionally use any accrued paid leave (s) for the purpose of donating organs, fluids (including blood) tissues and other human body components.
- G. This Article does not create any entitlement or other right which may be converted to cash, other compensation, or any other benefit.

21.2 CIVIL LEAVE

- A. The University will grant an employee a leave of absence with pay to serve on jury duty, or for other subpoenaed civil duties. The University will not interrupt the employee's pay, benefits, or accruals during the time the employee is on civil leave. Employees whose work shift is other than that of the forum to which they are subpoenaed, will have their work hours changed to coincide with the hours of the forum to which they are called for the duration of their granted leave of absence.

- B. If employees are released from Jury Duty with more than two (2) hours of work remaining during that days shift, they may be required to return to work.
- C. Employees will be allowed to retain any compensation paid to them for their service on Jury Duty.
- D. The University will grant a leave of absence with pay for the employee to respond to a subpoena when
 - E. The employee has been subpoenaed on the employers behalf; or
 - F. The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee; or
- G. For a ULP hearing the duration of leave will be from the employee's appearance time noted on the subpoena through their completed testimony. The supervisor may approve up to fifteen (15) minutes travel time, as necessary, before and after the hearing, between the worksite and ULP hearing. If the employee is called related to rebuttal in a ULP release is authorized as noted above upon receipt of a subpoena. Participation in the hearing will not result in overtime.

21.3 BEREAVEMENT LEAVE

- A. Bereavement leave of up to three (3) days with pay, per occurrence, shall be allowed for the death of a member of the employee's family or household. However, an employee may request up to an additional three (3) days paid bereavement leave for exceptional circumstances, including: extended travel distance to attend funerals or memorial services, complexities or unusually administrative responsibilities arising in connection with a decedent's estate or similar unforeseen circumstances requiring an extended absence from work. Such requests shall be made in writing to the Appointing Authority and include reason for additional leave request. Appointing Authority will review each request for approval or denial. Determinations will be provided in writing, and denials shall include the reason for the denial. The employee must be in paid status on the employee's regular scheduled work day immediately preceding the commencement of bereavement leave in order to receive bereavement leave.
- B. Upon request, the supervisor may approve additional leave for each death in an employee's family or household to be charged against the employee's available paid leave balance.

- C. For purposes of this Section a family member is defined as parent, step-parent, siblings, parent-in-law, spouse, state registered domestic partner as defined by RCW 26.60.020 or RCW 26.60.030, grandparents, grandchild, and minor/dependent child and child. A household member is defined as persons who reside in the same household 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. In exceptional circumstances, a paid absence may be appropriate for mourning the death of a person whose relationship is not defined in the above statement, but whose impact is comparable to that of an immediate family member. The employee's supervisor and the Appointing Authority must approve requests for such leave.

21.4 FAMILY CARE EMERGENCY

- A. An emergency is a situation or circumstance which results in an employee's inability to report for or continue scheduled work because of family care emergencies including:
1. Minor/dependent child care emergencies, such as: unexpected absence of regular care provider, unexpected closure of the child's school, or unexpected need to pick up child at school earlier than normal.
 2. Elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.
- B. The employee's supervisor may approve the use of annual leave, sick leave, Personal Leave Day, or leave without pay for family care emergencies as follows:
1. **Sick Leave:** May not exceed three (3) sick leave days in any calendar year, unless extended by the Chief Human Resource Officer.
 2. **Annual Leave:** May not exceed three (3) annual leave days in any calendar year.
 3. **Personal Leave Day:** May use their Personal Leave Day in full or an employee may be authorized to use increments of less than eight (8) hours.
- C. No advance approval for leave is required for family care emergencies, however the employee is expected notify the employer as soon as the need is known, but no later than the beginning of the absence. If the employee is not reasonably able to provide notice at the beginning of the absence, they are to provide notice as soon as able. 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.

21.5 MILITARY LEAVE

The University will provide military leave for all employees covered by this Agreement in accordance with state and federal law, as follows:

- A. Employees will be granted paid military leave for service in the uniformed services upon presentation of military orders to the University.
- B. Military leave may not exceed twenty-one (21) work days during each year beginning October 1 and ending the following September 30. Such military leaves of absence will be in addition to any other paid leave to which the employee might otherwise be entitled.
- C. Scheduled days off are not counted in the twenty-one (21) days when they occur within the leave period.
- D. If military leave exceeds twenty-one (21) days, the employee must use accrued leave (excluding sick leave) or leave without pay.
- E. Employees are not charged leave for time used for a physical examination to determine fitness for military service.
- F. During a period of military conflict, an employee whose spouse is in the military may take up to fifteen (15) days of accrued paid or unpaid leave to be with the military spouse when there is notice of an impending call, order to active duty or when the military spouse is on leave from deployment. An employee who seeks to take leave must provide the University with notice, within five (5) work days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave.

21.6 MATERNITY DISABILITY LEAVE AND PARENTAL LEAVE

- A. **Maternity Disability Leave**
 - 1. Pregnant women are eligible for any disability and medical benefits available to other employees with non-job-related disabilities.
 - 2. Ordinarily, maternity disability leave is six (6) weeks or less and may be extended upon request. An employee may use a combination of sick leave, annual leave, Personal Leave Day/Personal Holiday, compensatory time, and/or leave without pay for the period of disability resulting from pregnancy. The choice of leave will be at the employee's option when

eligible for Family Medical Leave. The employee will not be required to use all paid leave prior to using leave without pay. An employee may use one (1) day of paid leave as determined by the supervisor for each month to maintain benefits. The day selected should be in the first pay period of the month, if possible. The day may not be a day before a University holiday which would make the employee eligible for the holiday pay.

B. Parental Leave

1. An eligible employee, who has worked for the state for at least twelve (12) months and for at least one thousand two hundred fifty (1250) hours during the previous twelve (12) month period, may request up to six (6) months of parental leave for the birth and care of the employee's newborn child or the placement of a child with the employee for adoption or foster care. Parental leave may include a combination of annual leave, personal holiday, compensatory time, sick leave in accordance with Article 18, and/or leave without pay at the employee's option.
2. Parental leave must be taken during the first year following the child's birth or placement of the minor/dependent child with the employee for adoption or foster care.
3. An employee may use one (1) day of paid leave as determined by Human Resource Services and/or Payroll for each month to maintain benefits. The day selected should be in the first pay period of the month, if possible. The day may not be a day before a University holiday which would make the employee eligible for the holiday pay.
4. If parental leave is in addition to a maternity disability leave, the parental leave must immediately follow the maternity disability leave.

C. Leave Request

1. The employee will provide notice to the University that includes the anticipated dates of absence and the type of leave the employee wishes to use during the absence. When the request for leave is for medical reasons, the employee will also provide a doctor's statement to the University.
2. The University will respond to the request for leave within ten (10) days. Requests for medical reasons will be expedited and approved as soon as

possible.

3. If the request is denied, the employee will receive written notice, which includes a description of the operational necessity and procedures for the employee to appeal the denial.
4. The employee will have the right to appeal denial of the leave request. The appeal must be submitted within seven (7) days to the Chief Human Resource Officer. The Chief Human Resource Officer will review the appeal and will have the authority to overturn the denial. The employee will be allowed representation for preparing and presenting the appeal.

21.7 FAMILY MEDICAL LEAVE

- A. The University will provide Family Medical 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 Section.
- B. No employee will be required to use paid leave for Family Medical Leave absence for which the employee does not request to receive such pay.
- C. Employees taking Family Medical Leave will be allowed to take such leave on an intermittent or reduced-schedule basis when the medical documentation supports such schedule.
- D. Employees returning from Family Medical Leave will return to the same position in which the employee was incumbent prior to the commencement of the leave.
- E. An eligible employee may take Family Medical Leave for illness or injuries related to active military duty.
- F. An employee may take Family Medical Leave to care for a family member with a serious illness or injury incurred in the line of active duty. An eligible employee may request up to twenty-six (26) weeks of Family Medical Leave. Allowed individuals include a spouse, son, daughter, parent of a child of any age, or next of kin of a covered service member who is suffering from a serious injury or illness arising from injuries incurred in the line of duty in the armed forces of the United States. For Family Medical Leave purposes, the term "next of kin" is defined as the nearest blood relative of the ill or injured individual.
- G. Information regarding Family Medical Leave will be made available on the Human Resource Services website.

21.8 LEAVE FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

An employee is allowed to take accrued paid leave or unpaid leave, including Shared Leave if the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking. For the purpose of this leave family member is defined by RCW 49.76.020 as parent, parent-in-law, spouse, grandparent and minor/dependent child and child or a person with whom the employee has a dating relationship, as defined by RCW 10.99.020. The University may require verification from the employee requesting leave in accordance with RCW 49.76.

21.9 DISABILITY LEAVE

- A. Permanent employees will be granted disability leave up to one (1) year when they are precluded from performing their job duties because of a disability or illness as a Reasonable Accommodation per Article 22, unless the University, based on appropriate Health Care Provider information, determines the employee is unable to perform the essential functions of their position due to a mental, sensory or physical disability, which cannot be reasonably accommodated.
- B. Employees taking disability leave may use any combination of Family Medical Leave, sick leave, annual leave, Personal Leave Day/Personal Holiday, compensatory time, or shared leave in accordance with the appropriate leave articles, upon approval of the University based on the employee's written request and appropriate Health Care Provider information. Family Medical Leave will run concurrently with the disability leave and is not additive.
- C. Once other paid leave balance have been exhausted, if ineligible for FML, employees may request to use leave without pay in accordance with Article 19. However, for the month following their FML period, employees may retain and use a minimum of eight (8) hours paid leave balances including compensatory time sufficient to maintain University sponsored employee benefits. The eight (8) hours or more of leave, is to be used on the first day of the month.

21.10 STATE OF WASHINGTON PAID FAMILY MEDICAL LEAVE

An employee may use annual leave, sick leave, personal holiday, or compensatory time, as a supplemental benefit, during a period when the employee is receiving partial wage replacement under Title 50A RCW.

21.11 Should WAC 357-31 yield higher leave benefits, applicable to WSU civil service

employees, than provided for in this Agreement, the University will follow the applicable WAC for employees covered by this Agreement.