POLICY

Authority: RCW 41.04.650 – 41.04.670
Effective Date: September 20, 2011
Approved By: President’s Cabinet

Cancels: Shared Leave Program Guide (10/03/05)
See Also: PRO-U5410.06A Requesting and Using Shared Leave
PRO-U5410.06B Donating Shared Leave
FRM-U5410.06A Shared Leave Donation Form
FRM-U5410.06B Shared Leave Application
FRM-U5410.06C Domestic Violence Leave Application
POL-U5410.03 Taking Family or Medical Leave
POL-U5410.07 Accessing and Donating To Uniform Service Shared Leave Pool
Shared Leave Informational Website

POL-U5410.06 REQUESTING AND DONATING SHARED LEAVE

This policy applies to all employees who are entitled to accrue sick and/or vacation leave and for whom accurate leave records are maintained.

Definitions:

Eligible employee (RCW 41.04.655) – any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick and/or vacation leave and for whom accurate leave records are maintained.

Employee’s relative/family member – as defined by the appropriate collective bargaining unit agreement or Professional Staff Organization Handbook.

Extraordinary or severe nature (RCW 41.04.655) – the condition is serious, extreme and/or life threatening.

Household members – as defined by the appropriate collective bargaining unit agreement or Professional Staff Organization Handbook.

Service in the uniformed services (RCW 41.04.655) – means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.
Sponsored Projects – are defined as those activities, sponsored in whole or in part, by sources external to Western Washington University for which there is an expectation (implied or specifically stated) on the part of the sponsor for performance, deliverable(s) or outcome(s). Sponsored projects are awarded through various mechanisms - grants, contracts, cooperative agreements, and/or other legally binding means of transfer. If funding is a governmental entity (federal, state or local) or includes governmental flow-through funds, it would be considered a sponsored project agreement.

Uniformed services (RCW 41.04.655) – the armed forces, the army national guard, the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard and any other category of persons designated by the President of the United States in time of war or national emergency.

Victim of violence (RCW 41.04.655) – a person against whom domestic violence, sexual assault or stalking has been committed.

1. **University President Determines Level of Participation in State Shared Leave Program**

   Unless otherwise established in a collective bargaining agreement, the state Department of Personnel (DOP) establishes the definition and eligibility requirements for the state leave sharing program.

   Within DOP rules, the university President determines Western’s level of participation in the program unless otherwise established in a bargaining unit agreement. Under the purview of the Vice President for Business and Financial Affairs, the Human Resources Director will ensure appropriate administration of the shared leave program.

   Where any questions arise in the transfer of funds between agencies/institutions or the adjustment of appropriation authority, the Director of the state Office of Financial Management (OFM) shall determine the appropriate transfer or adjustment.

2. **Human Resources Determines Donor and Recipient Eligibility**

   Human Resources will:

   a) Receive written requests to receive (FRM-U5410.06A) and donate (FRM-U5410.06B) shared leave;

   b) Determine type of documentation to be provided by an employee and whether or not documentation is sufficient (see #3 below);
c) Determine and notify employee of eligibility status; and

d) Advertise employee’s eligibility to receive donations as requested by the employee.

3. **Eligible Employees May Receive and Use Donations Under Certain Conditions**

An eligible employee may receive shared leave donations if the employee:

A. Suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and has:

1) Diligently pursued and been found to be ineligible for worker’s compensation benefits under RCW 51.32 when the leave is due to a workplace injury claim;

2) Depleted or will deplete all available accrued personal holiday, sick, and vacation leave; and,

3) Provided appropriate medical certification from a licensed physician or health care practitioner.

B. Has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and has:

1) Depleted or will deplete all available accrued personal holiday, sick and vacation leave, and

2) Provided appropriate medical certification from a licensed physician or health care practitioner.

C. Has been called to service in the uniformed services and has:

1) Depleted accrued vacation leave;

2) Depleted paid military leave allowed under RCW 38.40.060; and

3) Provided appropriate military orders.

D. Has offered and been accepted by a governmental agency or nonprofit organization to provide humanitarian relief services in a devastated area within the U.S. that has been declared a state of emergency and has:

1) Depleted or will deplete all available accrued vacation leave and personal holiday, and
2) Provided a statement of acceptance from the agency or organization confirming the nature and time period of the service agreement.

E. Is a victim of domestic violence, sexual assault, or stalking and has:

1) Depleted or will deplete all available accrued vacation leave and personal holiday, and

2) Provided documentation from an agency or organization from which he/she is currently seeking protection or recovery assistance indicating the nature and approximate duration or type of leave. Such documentation may include, but is not limited to, protection, no-contact, restraining or anti-harassment orders or professional assistance verification.

Exception: The requirement for documentation may be waived by the Human Resources Director when such documentation may not be available in a reasonable timeframe due to unusual circumstances.

Human Resources may request updated documentation from an employee to verify a continuing need for shared leave.

4. Limitations on Participation May Apply

The following employee conditions limit participation in the shared leave program:

A. Employees on the 180-day medical leave plan are not eligible to:

1) Receive shared leave donations, or

2) Donate any of their 180-day medical leave time.

B. Employees whose position is funded in whole or in part by a sponsored project may:

1) Donate leave only to the extent their position is not sponsored.

2) Receive leave donations only if the wage or salary expense can be covered by an approved non-sponsored project funding source.

C. An employee who qualifies for time loss under the state’s Worker’s Compensation program cannot use shared leave for the same time period.

5. Employees May Donate Under Certain Conditions

An employee may donate his/her vacation leave, sick leave or personal holiday to another employee who is eligible to receive donations when:
a) An employee’s request to donate vacation leave does not cause his/her vacation leave accrual to fall below 80 hours after the transfer (prorated for part time employees),

b) An employee’s request to donate sick leave does not cause his/her sick leave accrual to fall below 176 hours after transfer, and/or

c) An employee has a personal holiday to donate in part or whole.

*Exception:* Collective bargaining unit agreements may restrict members from donating excess vacation leave (hours in excess of 240) that the employee would be losing due to his or her employment anniversary.

An employee may donate leave to an eligible employee at another state agency following department Director/Chair approval (and the Office of Financial Management when required).

In transferring leave from the donor to the donee, it is the donor’s dollar value of the leave adjusted to reflect the non-sponsored program portion of their annual salary (not including the value of benefits) that transfers and purchases shared leave for the donee at the donee’s salary or hourly rate. For example, if the donor’s position is 50% state and 50% sponsored project funded then the dollar value of leave available is 50% of the total salary paid proportionately from both sources. No changes are made to the various departments budget in the process of administering the program.

6. **Shared Leave Donations Limited**

The maximum amount of shared leave an employee may use is 480 hours *per condition* (for 3A, 3B above) or *situation* (for 3C, 3D, or 3E above). Hours are pro-rated if employee is less than full time. A director or dean may approve less than 480 hours of donations received with approval of the appropriate vice president (or the President when applicable).

*Exception:* Employees with optional long term disability (LTD) insurance with a waiting period less than 90 days must first apply for LTD in order to receive shared leave donations. If approved for LTD, shared leave use will be limited to the waiting period.

The appropriate vice president (or President when applicable) may approve additional shared leave use following proof of denial of an optional LTD claim if applicable. Total donations used by an employee shall not exceed 522 days of leave for the entire duration of state employment.

For this purpose:

a) Eight hours shall constitute a day per RCW 49.28.010 unless otherwise required by statute, regulations, or employment contract,
b) Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 will not be included in the 522-day limit, and

c) Leave used in an established pooled sick leave program, as described in RCW 41.04.680, will be included in the 522-day limit.

d) Shared leave applicants must disclose if shared leave hours were used during other state service.

**Exception:** A supervisor may authorize (with vice president or the President’s approval) leave in excess of 522 days in extraordinary circumstances for an employee qualifying for the shared leave program because the employee is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature.

Transfers of leave shall not exceed the needed amount. The university may consider other methods of meeting the employee’s needs, such as modified duty, modified hours, flextime, or special assignments.

7. **Employee’s Need For Shared Leave To Be Communicated by Human Resources**

   The need for leave will be advertised in accordance with the employee’s request approved by Human Resources.

8. **Employees and Supervisors Must Communicate When Conditions for Leave Change**

   If the need for leave changes or ceases prior to the end date of the approved request, the employee must immediately notify his or her supervisor and Human Resources.

   Employees may be subject to disciplinary actions, up to and including termination, if they knowingly continue to use donated shared leave for which they are no longer eligible.

   Supervisors must communicate to Human Resources when they receive information about changes in an employee’s leave status.

9. **Employees and Supervisors Must Abide by Leave Approval and Usage Rules**

   Employees requesting use of and supervisors approving use of donations via timesheets must abide by university policy, procedures, bargaining unit contracts, employee handbook and/or other applicable agency rules regarding:

   a) Sick leave use if they qualify under section 3(a),(b) and (e) above, or

   b) Military leave if they qualify under section 3(c) above.
Human Resources will notify supervisors when an employee is determined eligible to receive shared leave donations. Such notification will include the conditions and restrictions of shared leave use. Supervisors must ensure the conditions are met prior to approving an employee’s time sheet requesting to use any amount of his or her shared leave balance.

10. **Unused Donations Returned To Donors**

Unused shared leave may not be cashed out by a recipient but will be returned to donors at its original value in accordance with Office of Financial Management rules when any one of the following events occurs:

a) When the donee has not used the shared leave for a 30 calendar day period;

b) When the donee voluntarily stops using the shared leave and instructs reversion of the remaining shared leave balance;

c) When the donee is unable to use the remaining shared leave (i.e., the employee terminates employment); or

d) When donations are in connection with an illness or injury, or any other qualifying event and Human Resources has received appropriate documentation verifying that the illness or injury is resolved. The HR Director must approve in writing any exceptions to this reversion.

When more than one employee donated leave to an individual, donations are returned on a prorated basis based on the donor’s original donation to the degree that is administratively feasible.

11. **Use of Returned Personal Holiday Donations Limited**

Any portion of the personal holiday that is not used shall be returned to the donor, and may be used by the donor if the returned donation occurs and is then used in the same calendar year that it was donated.

12. **Recipients of Donations Receive Certain Protections and Benefits**

An employee on approved leave and eligible to receive and use shared leave shall:

a) Continue to be classified as a state employee,

b) Receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave, and

c) Not be required to repay the value of the leave that they used.
13. **Records to be Maintained Confidentially**

As required by the Office of Financial Management, Human Resources will maintain appropriate records. Employee departments will forward any documents received from an employee for the purpose of eligibility under this policy. Only Human Resources will maintain copies; no copies are to be maintained by the employee’s department. Human Resources only shares confidential information on a need to know basis.

14. **Determinations May Be Appealed**

Determinations on eligibility may be appealed and reviewed by the Office of Financial Management. Determinations on the solicitation and receipt of donations may be made to the appropriate Vice President (or President when appropriate).

15. **Human Resources Director Ensures Communication and Provides Training**

Human Resources will regularly communicate to the university community about the Shared Leave Program and provide training to facilitate implementation and compliance.