# 1500.375 SHARED LEAVE PROCEDURE

The shared leave program allows eligible Washington state employees who accrue leave to donate some of their accrued annual leave, sick leave, and/or personal holiday hours to a co-worker or other state employee who will need to take leave without pay or separate from employment for the reasons listed below under "Receiving Shared Leave." In addition, eligible state employees may donate leave under this program subject to the limitations defined below under “Donating Shared Leave”. In addition to [RCW 41.04.650](https://apps.leg.wa.gov/RCW/default.aspx?cite=41.04.650) though [RCW 41.04.670](https://apps.leg.wa.gov/RCW/default.aspx?cite=41.04.670) that creates and governs this program, [WAC 357-31-380](https://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-380) through [WAC 357-31-455](https://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-455) provides shared leave guidance with respect to civil service employees who are not members of a bargaining unit. Employees who are members of a collective bargaining unit should refer to the applicable bargaining unit agreements regarding shared leave rules and procedures.

## A. UNIFORMED SERVICES, FOSTER PARENT & VETERANS’ IN-STATE SERVICE SHARED LEAVE POOLS

In addition to donations, that one employee may make directly to another employee, eligible employees may request to donate to or receive shared leave hours from the Washington state uniformed services shared leave pool, the foster parent shared leave pool and/or the veterans’ in-state services shared leave pool. More information can be found in WVC policies 500.380, 500.385, and 500.390 and procedures 1500.380, 1500.385 and 1500.390.

## B. RECEIVING SHARED LEAVE

An employee is eligible to receive shared leave donations if the director of human resources or designee has determined the employee meets the following criteria:

### 1. The employee suffers from or has an illness, injury, impairment, or physical or mental condition which is of an [extraordinary or severe nature](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) and the employee has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave.

### 2. The employee has caregiver responsibilities for a [relative](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) or [household member](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) suffering from, an illness, injury, impairment, or physical or mental condition which is of an [extraordinary or severe nature](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html), and the employee has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave.

### 3. The employee needs the time for [parental leave](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) and has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave. The employee may retain a reserve of up to 40 hours of sick and annual leave.

### 4. The employee is sick or temporarily disabled because of a pregnancy-related medical condition or miscarriage, and has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave. The employee may retain a reserve of up to 40 hours of sick and annual leave.

### 5. The employee is a victim of [domestic violence](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html), [sexual assault](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html), or [stalking](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) and has used, or is about to use all of their eligible compensatory time, personal holiday and annual leave.

### 6. The employee is called to [service in the uniformed services](https://www.wvc.edu/humanresources/policies-procedures/shared-leave-definitions.html) (also see [RCW 38.40.060](https://apps.leg.wa.gov/rcw/default.aspx?cite=38.40.060)) and has used or is about to use all eligible compensatory time, personal holiday, annual and paid military leave.

### 7. The employee is serving as an [approved emergency worker](http://commons.wvc.edu/hr/pp/Details/Shared%20Leave%20Definitions.aspx?PageView=Shared), and has used or is about to use all eligible annual leave.

### 8. The employee is a current member of the uniformed services or is a veteran as defined under [RCW 41.04.005](https://apps.leg.wa.gov/RCW/default.aspx?cite=41.04.005), and is attending medical appointments or treatments for a service connected injury or disability, and the employee has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave.

### 9. The employee is a spouse of a current member of the uniformed service or a veteran as defined under [RCW 41.04.005](https://apps.leg.wa.gov/Rcw/default.aspx?cite=41.04.005), and who is attending medical appointments or treatment for a service connected injury or disability and requires assistance while attending the appointment or treatment, and the employee has used, or is about to use all of their eligible compensatory time, personal holiday, annual and sick leave.

NOTE: An employee is not eligible to receive shared leave for illness or injury if the employee is approved for time loss compensation (also called workers’ compensation) from the Washington State Department of Labor and Industries ([RCW 51.32](http://apps.leg.wa.gov/RCW/default.aspx?Cite=51.32)).

## C. REQUEST TO RECEIVE SHARED LEAVE

Employees, who believe they meet the eligibility requirements outlined above, may request shared leave by submitting all the following documentation to the human resources office:

### 1. A shared leave request form—available on the human resources (HR) website.

### 2. A family medical leave request form—available on the HR website.

### 3. Appropriate documentation for the reason you are requesting shared leave, as follows:

#### a. A shared leave medical certification form (not needed for parental leave), available on the HR website.

#### b. For the employee’s severe, extraordinary, or life-threatening illness or injury; a U.S. Department of Labor certification form WH-380-E, available on the HR website.

#### c. For the employee’s need to care for a family or household member’s severe, extraordinary, or life-threatening illness or injury; a U.S. Department of Labor certification form WH-380-F, available on the HR website.

#### d. For parental leave, verification of childbirth or placement of adoption or foster care.

#### e. For pregnancy disability, a U.S. Department of Labor certification form WH-380-E, available on the HR website.

#### f. For victims of domestic violence, sexual assault or stalking; one or more of the following ([WAC 357-31-405](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-405)):

##### i. A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking.

##### ii. A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault or stalking.

##### iii. Evidence from the court or prosecuting attorney that the employee appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault or stalking where the employee is the victim.

##### iv. An employee’s written statement that the employee is a victim of domestic violence, sexual assault or stalking.

##### v. Documentation that the employee is a victim of domestic violence, sexual assault or stalking from any of the following persons whom the employee or employee’s family member sought assistance in addressing the domestic violence, sexual assault or stalking:

###### 1) An advocate for victims of domestic violence, sexual assault, or stalking.

###### 2) An attorney.

###### 3) A member of the clergy.

###### 4) A medical or other professional qualified to render an opinion in this manner.

#### g. For active duty service in a uniformed service; a copy of their military orders.

#### h. For service as an emergency worker; a copy of the proof of having volunteered to provide services for governmental agency or a nonprofit organization engaged in humanitarian relief in an area of the United States where a state of emergency has been declared, **and** proof that a governmental agency or nonprofit organization has accepted the employee's offer of service.

Human resources will notify the requesting employee of the request approval status.

## D. NOTIFICATION OF NEED FOR SHARED LEAVE

The human resource office will publicize the need via campus e-mail. The requestor’s name and reason for shared leave (event or crisis) will remain confidential and will not be publicized without explicit permission of the employee requesting the leave.

## E. DONATING SHARED LEAVE

A WVC employee who accrues annual leave, sick leave or personal holiday may request approval to donate leave to an approved shared leave recipient by submitting a completed shared leave donation form, available on the HR website. Donations of shared leave must meet the following requirements specific to the type of leave being donated:

### 1. Annual (vacation) Leave:

Employees donating annual leave may not donate an amount of hours that would drop their annual leave balance below 80 hours.

### 2. Sick Leave:

Employees donating sick leave may not donate an amount of leave that would drop their accumulated compensable sick leave balance below 176 hours for classified and exempt and 154 hours for faculty.

### 3. Personal Holiday:

Employees may donate all or part of a personal holiday.

### 4. Personal Leave Days:

Personal leave days may not be donated.

### 5. Shared Leave Between Agencies/Institutions/Districts:

With the approval of the heads of both employers, shared leave, in the form of monetary funds, may be transferred from employees from one employer to an employee of another state employer, educational service district or school district.

The director of human resources or designee will approve the form to verify that the employee is eligible to donate leave.

NOTE: Employees may not donate annual leave hours that would otherwise be lost on the next anniversary date due to exceeding maximum leave accruals. Employees may not donate annual leave, sick leave or personal holiday that would otherwise be lost due to separation of employment.

## F. COMPUTATION OF SHARED LEAVE

Computation of shared leave shall be performed in accordance with the Washington State Office of Financial Management ([OFM) 25.40.10](http://www.ofm.wa.gov/policy/25.40.htm)). It shall be the donor’s dollar value of the leave that transfers and purchases shared leave for the donee at the donee’s salary rate.

## G. ADMINISTRATION OF LEAVE

The shared leave procedure will be administered in accordance with OFM regulations. In an effort to improve the administrative workload process of the shared leave program, the procedure for processing shared leave will be “batched” at the discretion of the human resources director or designee processing the leave i.e., each “batch” will be processed and used up in full based on the leave needs of the employee requesting the leave per payroll period. Once that leave is exhausted, that batch will be closed and leave from the next batch will be processed.

## H. LEAVE USE AND UNUSED SHARED LEAVE

The recipient employee uses the donated leave as if it was their own, and is not required to repay the value of the leave that he or she uses.

An employee using shared leave continues to receive the same treatment in respect to salary and employee benefits as the employee normally receives if using their own leave.

Employees may receive and use a maximum of 522 days of shared leave for the entire duration of state employment. The college may authorize shared leave in excess of 522 days in extraordinary circumstances 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. Shared leave received for B. 8 and 9 above, is not included in the five hundred twenty-two (522) day limit.

The value of any unused shared leave will be returned at its original value to the employee or employees who donated the leave when the human resources director or designee finds that the leave is no longer needed or will not be needed at a future time in connection with the qualifying condition. Before a determination is made to return unused shared leave, the human resource director or designee must receive from the affected employee a statement from the employee's healthcare provider verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee will be returned on a pro rata basis.

## I. RETURNING TO WORK FOLLOWING LEAVE

If an employee was on leave due to their own serious illness, a return to work/fitness for duty form, or equivalent, must be submitted to the human resources office prior to the employee’s return.

## J. SHARED LEAVE RECORDS

The human resources office will code and transfer all approved shared leave and maintain all records of such transfers. The records will include:

### 1. Number of leave requests received and granted.

### 2. Approved shared leave request forms with appropriate documentation, if applicable.

### 3. Approved shared leave donation forms, including the name and agency of the donors.

### 4. Amount of leave transferred in or out and the monetary value of such leave.

### 5. Dates of all shared leave transactions, including the restoration of unused donated leave.

### 6. Interagency transfer information, including agency head approval and fund transfer records.

All shared leave transactions will be processed and maintained in accordance with OFM regulations.

*Supersedes 2.A.63*

*Revisions and approved by the president’s cabinet: 9/99, 4/24/07, 8/1/07, 11/2/09, 12/8/10, 9/10/10, 6/4/19*

*Presented to the board of trustees: 10/17/07, 1/20/10, 9/22/10, 6/19/19*

Last reviewed: 9/16/19

Procedure contact: Human Resources

Related policies and procedures

 500.375 [Shared Leave Policy](https://www.wvc.edu/humanresources/policies-procedures/500-human-resources/500.375-shared-leave.html)