# 1540.090 CLASSIFIED LEAVE PROCEDURE

To the extent that this policy addresses terms or provisions covered under collective bargaining agreements for represented employees, the terms of the collective bargaining agreement will control for those represented classified employees.

This procedure references Chapter 357-31 of the Washington Administrative Code (WAC). This procedure provides guidance to staff and supervisors in addressing employee’s time away from work. This procedure is to be used in conjunction with the WAC, applicable RCWs and college policies and procedures.

The college recognizes that employees have occasions to be absent from work and, therefore, provides a variety of leave intended to enable employees to balance their personal life and work responsibilities.

This procedure covers the following areas (direct link to each section):

A. [Approval or Denial of Leave](#Approval_or_Denial_of_Leave)

B. [Bereavement Leave](#Bereavement_Leave)

C. [Civil Duty Leave](#_top)

D. [Compensatory Time](#Compensatory_Time)

E. [Domestic Violence Leave](#Domestic_Violence_Leave)

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* EAP, Interviews and Examinations
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O. [Paid Family and Medical Leave](#PaiD_Family_and_Medical_Leave)

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R. [Requesting or Reporting Absences](#Request_Reporting_Absences)

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X. [Veterans In-Service Shared Leave Pool](#VISSLP)

## A. APPROVAL OR DENIEL OF LEAVE

Upon the employee's request for leave, the supervisor shall approve or deny the request for absence per this procedure. Failure to receive prior approval of leave, as described in this procedure, may be cause for denial of the leave request or designation of the absence as unauthorized. Unauthorized absence must be treated as unauthorized leave without pay and may be grounds for separation or discipline.

Conflicting requests for vacation, personal holiday, compensatory time off, and holiday equivalent time off shall be handled in a fair and equitable manner in accordance with departmental procedures.

The employee may be required to submit a written statement from a health care provider explaining the requirement to be absent if charging the time to sick leave.

## B. BEREAVEMENT LEAVE [(WAC 357-31-250)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-250)

Up to three days of paid bereavement leave will be granted for the death of any family member or household member that requires the employee’s absence from work.

Family members are defined as mother, father, stepmother, stepfather, sister, brother, mother-in-law, father-in-law, domestic partner’s mother, domestic partner’s father, husband, wife, domestic partner, grandparent, great-grandparent, grandchild, great-grandchild, son, daughter, stepchild, and a child in the custody of and residing in the home of an employee.

Household members are defined as persons who reside in the same home who have reciprocal duties to or do provide financial support for one another. This term will include, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily of a dormitory or commune.

In addition to paid bereavement leave, the college may approve an employee's request to use paid leave (accrued compensatory time, sick leave, vacation leave, and/or a personal holiday) or to take leave without pay for purposes of bereavement.

## C. CIVIL DUTY LEAVE

In accordance with this procedure and [WAC 357-31-310](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-310), [315](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-315) and [320](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-320), the college will grant a leave of absence with pay when an employee is required to report for jury duty service, to serve as a trial witness, or other subpoenaed civil duties. An employee may keep any compensation received for serving as a jury member or as a trial witness.

An employee will inform their supervisor when notified of a jury summons or subpoenaed civil duties and will cooperate in requesting a postponement of jury duty service if warranted by business demands.

An employee whose work shift is other than day shift will be considered to have worked a full work shift for each workday during the period of jury duty or subpoenaed civil duties. If a day shift employee is released from jury duty or subpoenaed civil duties and there are more than two hours remaining on his or her work shift, the employee will call their supervisor and may be required to return to work.

Employees must submit a leave request for absence due to civil duty leave in accordance with this procedure as soon as possible to their supervisor. The college may require documentation or verification of civil service.

## D. COMPENSATORY TIME [(WAC 357-31-230)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-230)

### 1. Compensatory Time Eligibility

When an overtime-eligible employee works more than 40 hours in a workweek, the employee may request to accrue compensatory time instead of receiving overtime pay. The supervisor may approve the request if it fits into the business needs of the department.

### 2. Maximum Compensatory Time

Employees may accumulate no more than 160 hours of compensatory time.

### 3. Compensatory Time Use

Employees are responsible to monitor their balance of compensatory time and use compensatory time prior to using vacation leave, unless this would result in the loss of his or her vacation leave or the employee is using vacation leave for domestic violence leave. If vacation leave is submitted and compensatory time is available, the compensatory time will be used first, with the exceptions as noted above. Compensatory time must be used and scheduled in the same manner as vacation leave. Employees may use compensatory time for leave as required by the Domestic Violence Leave Act, [RCW 49.76](http://apps.leg.wa.gov/rcw/default.aspx?cite=49.76&full=true). The college may schedule an employee to use his or her compensatory time with seven calendar days’ notice.

### 4. Compensatory Time Cash Out

All compensatory time must be used by June 30 of each year. If compensatory time balances are not scheduled to be used by the employee by April of each year, the supervisor may contact the employee to review his or her schedule. The employee’s compensatory time balance will be cashed out every June 30 or when the employee:

#### a. Leaves state service for any reason;

#### b. Transfers to a position in the college with different funding sources; or

#### c. Transfers to another state agency.

## E. DOMESTIC VIOLENCE LEAVE

In accordance with [WAC 357-31-100(2)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-100), an employee who is a victim, or a family member of a victim of domestic violence, sexual assault, or stalking as defined in [RCW 49.76.020](http://apps.leg.wa.gov/RCW/default.aspx?cite=49.76.020), may request to use a reasonable amount of sick leave, vacation, compensatory time, personal holiday or leave without pay.

For the purposes of domestic violence, sexual assault, or stalking provisions within WAC 357, “family member” is defined in [WAC 357-01-172](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-01-172), and also includes a domestic partner as defined in [RCW 26.60.020](http://apps.leg.wa.gov/RCW/default.aspx?cite=26.60.020), or person with whom the employee has a dating relationship as defined in [RCW 26.50.010](http://apps.leg.wa.gov/RCW/default.aspx?cite=26.60.010).

The employee shall give their supervisor advance notice of the intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or their designee must give notice to their supervisor no later than the end of the first day that the employee takes such leave. Notice shall be consistent with requesting leave or reporting an absence as stated in this procedure. The college may require the request for leave under this section be supported by verification in accordance with [WAC 357-31-730](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-730).

## F. FAITH OR CONSCIENCE LEAVE

Leave without pay will be granted for up to two workdays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization in accordance with [WAC 357-31-052](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-052), [053](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-053). Leave without pay may only be denied if the employee’s absence would impose an undue hardship on the employer as defined by WAC 82-56-020 or the employee is necessary to maintain public safety.

The college will allow an employee to use compensatory time, personal holiday or vacation leave in lieu of leave without pay. All requests to use compensatory time, personal holiday or vacation leave requests must indicate the leave is being used in lieu of leave without pay for a reason of faith or conscience. An employee’s personal holiday must be used in full workday increments.

An employee’s seniority date, probationary period or trial service period will not be affected by leave without pay taken for a reason of faith or conscience.

Employees will only be required to identify that the request for leave is for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

When requesting leave under this section, an employee must give at least 14 calendar days’ notice to the supervisor. The employee and supervisor may agree upon a shorter time frame. Unpaid leave for this purpose must not be denied due to not meeting the timeframe.

## G. FAMILY CARE EMERGENCY LEAVE

In accordance with [WAC 357-31-290](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-290), a family care emergency is a circumstance which causes an employee's inability to report for or continue scheduled work because of a serious situation or occurrence that happens unexpectedly and demands immediate action related to the employee's responsibility to provide care for the employee's family member such as unexpected absence of the regular care provider, unexpected closure of a child's school, unexpected need to pick up a child at school earlier than normal or unexpected closure of an assisted living facility.

For purpose of family care emergency leave, "family member" includes: spouse, registered domestic partner, household member or the employee's/spouse's/registered domestic partner's minor/dependent child, parent or grandparent as stated in [WAC 357-31-285](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-285).

No advance approval is required for an employee to take time off for a family care emergency as cited in [WAC 357-31-305](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-305); however, the employee must notify the supervisor at the beginning of the absence. 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.

After an employee has used all compensatory time, an employee is allowed to use up to three workdays each of vacation, sick leave, and/or leave without pay each calendar year; supervisors, at their discretion, may approve more than the three days each per [WAC 357-31-300](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-300).

## H. FAMILY MEDICAL LEAVE

See WVC policy 500.200 Family Medical Leave.

## I. FOSTER PARENT SHARED LEAVE

See WVC procedure 1500.385 Foster Parent Shared Leave Pool.

## J. INCLEMENT WEATHER AND SUSPENDED OPERATIONS

See [WAC 351-31-255](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-255) and WVC procedure 1500.600 Suspended Operations and College Closure.

## K. LEAVE WITHOUT PAY

### 1. Leave Without Pay Request and Approval

A request for leave without pay is submitted according to the procedure used for the corresponding paid leave type for which it is being substituted (e.g., vacation leave, sick leave, bereavement leave, etc.). Leave without pay for which the supervisor has specifically granted approval is considered "approved leave without pay." Leave without pay may be considered "unapproved" when an employee is placed on leave without pay for reasons such as, but not limited to, unauthorized absence from work, tardiness, failure to provide required verification for the need for an absence.

Leave without pay requests will be approved or denied within 14 calendar days when practicable of the request. If the leave request is denied, a reason will be provided in writing.

Normally, eligible paid leave should be used before a supervisor approves leave without pay.

### 2. Leave Without Pay Use

Leave without pay may be approved for any of the reasons for which leave with pay is approved, as long as the conditions for leave with pay are met. Leave without pay must be approved for those conditions under [WAC 357-31-327](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-327) and, in addition, may also be approved for those conditions under [WAC 357-31-330](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-330), including the following reasons:

#### a. Educational leave.

#### b. Leave for government service in the public interest.

#### c. Military leave. See Section K: Military Leave.

#### d. Military family leave. See Section L: Military Family Leave.

#### e. Parental leave. See Section N: Parental Leave.

#### f. Family care emergencies. See Section G: Family Care Emergency Leave.

#### g. Bereavement or condolence. See Section B: Bereavement Leave.

#### h. Absence due to suspended operations or inclement weather as provided in [WAC 357-31-255](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-255) and WVC procedure 1500.600 Suspended Operations and College Closure.

#### i. To accommodate annual work schedules of employees occupying cyclic year positions as specified in [WAC 357-19-295](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-295).

#### j. Serious health condition of an eligible employee's child, spouse, registered domestic partner, or parent as required by [WAC 357-31-525](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-525) and WVC policy 500.200 Family Medical Leave.

#### k. Leave taken voluntarily to reduce the effect of an employer's layoff.

#### l. Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability.

#### m. Employees receiving time loss compensation.

#### n. When an employee who is a volunteer firefighter is called to duty to respond to a fire, natural disaster or medical emergency.

#### o. Domestic violence leave. See Section E: Domestic Violence Leave.

#### p. Faith or conscience leave. See Section F: Faith or Conscience Leave.

### 3. Leave Without Pay Limitations [(WAC 357-31-335)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-335)

With the exceptions of 2.a. through 2.c. and 2.i. through 2.p., above, leave without pay will be limited to no more than 12 months in any consecutive five-year period. Leave without pay may be extended for an additional 12 months upon signed request of the employee and signed approval of the president.

### 4. Returning Employee Rights [(WAC 357-31-340)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-340)

Employees returning from authorized leave without pay must be employed in the same position or a similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to layoff.

## L. MILITARY LEAVE

Employees will be entitled to military leave with pay not to exceed 21 working days during each year, beginning October 1 and ending the following September 30, in order to report for required military duty, when called, or to take part in training or drills including those in the National Guard or state active status. [(WAC 357-31-360)](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-360)

Military leave will be in addition to any vacation and sick leave to which an employee is entitled and will not result in any reduction of benefits, performance ratings, privileges or pay.

During military leave, the employee will receive the normal base pay. Employees required to appear during working hours for a physical examination to determine physical fitness for military service will receive full pay for the time required to complete the examination.

In addition to 21 working days of paid leave granted to employees for active duty or active training, employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in [RCW 73.16](http://apps.leg.wa.gov/RCW/default.aspx?cite=73.16http://apps.leg.wa.gov/RCW/default.aspx?cite=73.16). [(WAC 357-31-370)](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-370)

## M. MILITARY FAMILY LEAVE

In accordance with [WAC 357-31-373](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-373) and the Military Family Leave Act, [RCW 49.77](http://apps.leg.wa.gov/rcw/default.aspx?cite=49.77&full=true), leave will be granted to an employee whose spouse or state registered domestic partner as defined by [RCWs 26.60.020](http://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true#26.60.020) and [26.20.030](http://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true#26.60.030) is on leave from deployment or before and up to deployment, during a period of military conflict. Use of leave without pay, compensatory time, vacation leave, sick leave and all or part of a personal holiday is limited to a combined maximum of 15 working days per deployment. Employees must provide the college with five business days’ notice after receipt of official notice that the employee’s spouse or state registered domestic partner will be on leave or of an impending call to active duty.

## N. MISCELLANEOUS PAID LEAVE

### 1. In accordance with [WAC 357-31-325](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-325), leave with pay will be granted for the following reasons:

#### a. To allow an employee to receive assessment from the employee assistance program (if the college subscribes to the program).

#### b. To take an examination or participate in an interview for a position with the college or other Washington state agency or institution during scheduled work hours.

#### c. When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.

### 2. In accordance with [WAC 357-31-326](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-326), leave with pay may be granted for the following reasons:

#### a. To perform unpaid civil duties including but not limited to fire fighting and search and rescue efforts. Civil duty is defined as unpaid service provided as a moral obligation of an ordinary citizen to aid with the protection of life or property by performing functions for which the employee has received training.

#### b. To donate blood.

### 3. Life-Giving Procedures

When approved, employees will receive leave of absence with pay, not to exceed five working days in a two-year period, for participating in life-giving procedures. “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. Employees will provide reasonable advance notice and written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.

This leave authorization is in compliance with Executive Order No. [02-01](http://www.governor.wa.gov/execorders/eoarchive/eo_02-01.htmhttp%3A/www.governor.wa.gov/execorders/eoarchive/eo_02-01.htm).

Employees shall submit requests for leave with pay in accordance with this procedure as soon as possible to their supervisor.

Additional time off must be charged to applicable paid leave or leave without pay if no applicable paid leave is available. Requests for miscellaneous paid leaves may be denied based upon operational necessity.

## O. PAID FAMILY AND MEDICAL LEAVE

Employees shall abide by the current paid family and medical leave law provisions. Premium contributions by employer and employee are set forth in the law. Paid family and medical leave is administered by the Employment Security Department in accordance with state law.

## P. PARENTAL LEAVE [(WAC 351-31-460-490)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-460)

Parental leave will be granted to a permanent employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.

Parental leave will not total more than six months, and will run concurrently with leave granted under the federal family and medical leave act (FMLA) or the Washington family leave act (WFLA), and any pregnancy disability leave following the birth or placement of a child.

Requests for parental leave that exceed the provisions of the FMLA, may be denied on the basis of operational necessity.

Parental leave must be taken during the first year following the child’s birth or placement of the child with the employee for adoption or foster care.

Only permanent employees or employees who have worked for the state for at least 12 months and for at least 1250 hours during the previous 12-month period qualify for parental leave.

The employee will submit a written request for parental leave to their supervisor and must receive the approval prior to taking parental leave. The employee will provide not less than 30 days’ notice, except that if the child’s birth or placement requires leave to begin in less than 30 days, the employee will provide notice as is practicable.

Parental leave may be a combination of the employee’s accrued vacation leave, sick leave for pregnancy disability or other qualifying events, personal holiday, compensatory time or leave without pay.

Sick leave may be used for the purpose of parental leave to bond with an employee’s newborn, adoptive or foster child. A maximum of 18 weeks of sick leave can be used for this purpose and must be taken during the first year following the child’s birth or placement..

## Q. PERSONAL HOLIDAY LEAVE

Employees who are scheduled to be, or have been, continuously employed by the state of Washington for at least four months are entitled to one personal holiday per calendar year as specified in [WAC 357-31-055](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-055). As specified in [WAC 357-31-065](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-065), full-time employees receive eight hours of regular pay on a personal holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of compensatory time, vacation leave or leave without pay. Part-time employees are entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

### 1. Per [WAC 357-31-070](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-070) an employees' request to use their personal holiday must be approved as long as:

#### a. The employee has requested the personal holiday in accordance with leave procedures.

#### b. The employee has given at least 14 calendar day’s written notice to the supervisor. The supervisor, at his or her discretion, may allow a shorter notice period.

#### c. The number of employees choosing a specific day off allows an institution to continue its work efficiently and not incur overtime.

### 2. Personal holidays may not be carried over to the next calendar year except when an eligible employee’s request to take his or her personal holiday has been denied or canceled. The employee will attempt to reschedule his or her personal holiday during the balance of the calendar year. If he or she is unable to reschedule the day, it will be carried over to the next calendar year. The employee or supervisor must notify the human resources office in writing to facilitate the carryover of the personal holiday. ([WAC 357-31-080](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-080))

### 3. Part or all of a personal holiday may be donated to another employee for shared leave as provided in [WAC 357-31-425 (3)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-425) and WVC policy 500.375: Shared Leave. Any remaining portions of a personal holiday must be taken as one absence, not to exceed the work shift on the day of absence. ([WAC 357-31-090](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-090))

### 4. At any time, an employee's request to use part or all of their personal holiday must be approved for the following reasons:

#### a. To care for a minor/dependent child with a health condition that requires treatment or supervision.

#### b. To care for a spouse, registered domestic partner as defined by [RCWs 26.60.020](http://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true#26.60.020) and [26.20.030](http://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true#26.60.030), parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

#### c. For domestic violence leave. See Section E: Domestic Violence Leave.

#### d. For military family leave. See Section L: Military Family Leave.

Any remaining portions of a personal holiday must be taken as one absence, not to exceed the work shift on the day of absence. ([WAC 357-31-090](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-090))

## R. REQUESTING OR REPORTING ABSENCES [(WAC 351-31-100)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31&full=true#357-31-100)

For all instances of absence from work, including but not limited to those described in this procedure, an employee shall submit the leave request using the standard WVC leave request process to their immediate supervisor in advance of the requested leave date.

When it is not possible for the employee to provide advance notice of the need to be absent and obtain advance approval, the employee shall provide the immediate supervisor a leave request as soon as possible.

If not covered more specifically in other sections, the general rule is that employees must notify their immediate supervisor or designee before their shift if unable to work their assigned shift (excluding leave taken for emergencies in accordance with RCW 49.76 Domestic Violence Leave) and daily thereafter unless prearranged to do otherwise.

## S. SHARED LEAVE

Employees are eligible for shared leave in accordance with [WAC 357-31-380](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-380) through [WAC 357-31-455](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-455) and WVC policy 500.375, Shared Leave.

## T. SICK LEAVE

### 1. Sick Leave Accrual

#### a. In accordance with [WAC 357-31-115](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-115), full-time employees will earn eight hours of sick leave per month and part-time employees earn sick leave on the same pro rata basis that their appointment bears to a full-time appointment. An employee is not entitled to use sick leave in advance of its accrual. ([WAC 357-31-140](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-140))

#### b. Full-time and part-time overtime-exempt employees with leave without pay exceeding 80 hours in a month (prorated for part time) do not earn a monthly accrual of sick leave. ([WAC 357-31-120](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-120))

#### c. Full-time and part-time overtime eligible employees with leave without pay exceeding 80 hours in a month (prorated for part-time) will accrue a minimum of one hour for every 40 hours worked. ([WAC 357-31-121](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-121))

### 2. Sick Leave Request, Approval, Reporting and Verification ([WAC 357-31-135](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-135))

#### a. Use of sick leave is subject to the supervisor's approval. Where the need to use sick leave is foreseeable, as for medical appointments, the employee must notify the supervisor of the need to use sick leave as soon as the need becomes known. The employee will use the college’s leave request process. Where the need to use sick leave cannot be foreseen, the employee must notify the supervisor of the need to use sick leave no later than the start of the shift on which the employee is scheduled to work, and each day after, unless there is mutual agreement to do otherwise. If an employee is in a position where a relief replacement is necessary if they are absent, he or she will notify the supervisor at least two hours prior to the scheduled time to report to work (excluding leave taken for emergencies in accordance with RCW 49.76 Domestic Violence Leave).

#### b. For absences exceeding three days, the employee may be required to provide medical verification that the employee’s sick leave is for an authorized purpose. Such medical certification or verification required of over-time-eligible employees shall be in accordance with [RCW 49.46.210](https://app.leg.wa.gov/RCW/default.aspx?cite=49.46.210) and [WAC 296-128-660](https://app.leg.wa.gov/wac/default.aspx?cite=296-128-660).

#### c. As described in [WAC 357-31-130](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-130), the college may require a written medical certificate for any sick leave absence explaining the nature of the illness or absence in circumstances where the college suspects an abuse of sick leave. When a medical certificate is required, the college will state reasons for suspicion of sick leave abuse. The college will not require continuous medical verification for longer than six months as a result of the college suspecting abuse. The required medical certificate will be provided by the employee to the human resources office no later than the day the employee returns to work.

#### d. An employee returning to work after any sick leave absence may be required to provide written certification from his or her health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.

### 3. Sick Leave Use ([WAC 357-31-130](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-130))

Sick leave may be used for the following:

#### a. An employee's mental or physical illness, disability, injury or health condition that has incapacitated the employee from performing required duties; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or an employee's need for preventive medical care..

#### b. By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

#### c. When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such reason. Health care reason, as in WAC 296-128-600 (8), mean a serious public health concern that could result in bodily injury or exposure to an infectious agent, biological toxin, or hazardous material. Health related reason does not include closure for inclement weather.

#### d. To allow an employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. All in accordance with [RCW 49.12.270 Family Care Act](https://app.leg.wa.gov/rcw/default.aspx?cite=49.12.270), [WAC 296-130](https://apps.leg.wa.gov/WAC/default.aspx?cite=296-130&full=true), [Family Care, RCW 49.46.210](https://app.leg.wa.gov/RCW/default.aspx?cite=49.46.210), Paid Sick Leave. Family members include:

##### i. A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

##### ii. A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

##### iii. A spouse.

##### iv. A registered domestic partner, as defined by RCW 26.60.

##### v. A grandparent.

##### vi. A grandchild.

##### vii. A sibling.

##### viii. Other category as provided by RCW 49.46.210.

#### e. For family care emergencies. See Section G: Family Care Emergency Leave.

#### f. For family members' health care appointments when the presence of the employee is required, if arranged in advance with the supervisor or designee.

#### g. To care for relatives of an employee’s household member, which is limited to a spouse’s or registered domestic partner’s child, grandchild, grandparent or parent.

#### h. For domestic violence leave. See Section E: Domestic Violence Leave.

#### i. For military family leave. See Section L: Military Family Leave.

#### j. For parental leave. See Section N: Parental Leave.

#### k. For condolence or bereavement. See Section B: Bereavement Leave.

#### l. When an employee is unable to report to work due to inclement weather in accordance with [WAC 357-31-255](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-255) and WVC procedure 1500.600 Suspended Operations and College Closure.

#### m. To donate as shared leave in accordance with WAC 357-31 and WVC policy 500.375: Shared Leave.

### 4. Sick Leave While on Vacation

In the event an employee is injured or becomes ill while on vacation leave, the employee may submit a written request to use sick leave and have the equivalent amount of vacation leave restored. The supervisor may require a written medical certificate. ([WAC 357-31-145](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-145))

### 5. Sick Leave Annual and Retirement Cash Out

See [WAC 357-31-150](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-150), [155](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-155) and WVC procedure 1500.350 Sick Leave Buy-Out (Attendance Incentive and VEBA Programs).

### 6. Sick Leave Restored After Reemployment

Former state employees who are re-employed within five years of leaving state service will be granted all unused sick leave credits they had at separation. ([WAC 357-31-160](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-160))

## U. TEMPORARY DISABILITY LEAVE

Temporary disability leave will be granted to a permanent employee who is precluded from performing his or her job duties because of a disability (including those related to pregnancy or childbirth). Temporary disability leave includes a serious health condition of the employee as provided under family medical leave.

Temporary disability leave will run concurrently with leave granted under family medical leave. Temporary disability leave will not total more than 12 months or 2088 straight-time hours. For purposes of intermittent use, each hour taken will be deducted from the balance of temporary disability leave.

The temporary disability and recovery period will be as defined and certified by the employee's licensed health care provider. The employee will provide, in a timely manner, a copy of such certification to the human resources office.

## V. UNIFORM SERVICES SHARED LEAVE POOL (USSLP)

Employees are eligible for USSLP in accordance with [WAC 357-31-640](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31&full=true#357-31-640) and WVC policy 500.380, Uniformed Service Shared Leave Pool.

## W. VACATION LEAVE

### 1. Vacation Leave Credits

After six months of continuous state employment, permanent full-time and less than full-time employees will be credited with vacation leave they accrued during the previous six continuous months. Thereafter, full-time and part-time employees will be credited with vacation leave accrued monthly. An employee is not entitled to use vacation leave in advance of its accrual. ([WAC 357-31-190](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-190), [195](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-195))

### 2. Vacation Leave Accrual

Employees will accrue vacation leave according to the rate schedule below and under the following conditions:

#### a. In accordance with [WAC 357-31-165](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-165), full-time employees accrue vacation leave at various rates depending on the length of total and/or continuous state service. Part-time employees accrue on the same pro rata basis that their appointment bears to a full-time appointment in accordance to [WAC 357-31-170](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-170).

#### b. Full-time and part-time employees with more than 10 working days of leave without pay in a month do not earn a monthly accrual of vacation leave. For purposes of this policy, a day is defined as eight hours (prorated for part-time employees). ([WAC 351-31-175](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-175))

#### c. Leave without pay taken for military leave of absence without pay, for temporary layoff as provided in [WAC 357-46-063](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-063), or for scheduled mandatory periods of leave without pay for employees in cyclic year positions do not affect the rate at which employees accrue vacation leave. ([WAC 357-31-180)](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-180)

| **Years of Service** | **Monthly Accrual Rate (Hourly)** |
| --- | --- |
| 1st and 2nd year of current continuous state employment |  9.33 |
| 3rd year of current continuous state employment | 10.00 |
| 4th year of current continuous state employment  | 10.67 |
| 5th and 6th years of total state employment  | 11.33 |
| 7th, 8th and 9th years of total state employment  | 12.00 |
| 10th, 11th, 12th, 13th and 14th years of total state employment  | 13.33 |
| 15th, 16th, 17th, 18th and 19th years of total state employment  | 14.67 |
| 20th, 21st, 22nd, 23rd and 24th years of total state employment  | 16.00 |
| 25th year of total state employment  | 16.67 |

### 3. Vacation Leave Requests and Approval

#### a. Vacation requests must be approved in advance, except as noted under number 4 below. Vacation requests will be considered on a first come, first served basis. In the event that two or more employees request the same vacation period, the supervisor may limit the number of people who may take vacation leave at one time due to business needs and work requirements.

#### b. When considering requests for vacation leave, the supervisor will take into account the desires of the employee but may require that leave be taken at a time convenient to the college. ([WAC 351-31-205](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-205))

#### c. Employees will not request or be authorized to take scheduled vacation leave if they will not have sufficient vacation leave to cover such absence at the time the leave will commence.

#### d. Vacation leave requests will be approved or denied within 10 calendar days of the request. If the leave request is denied, a reason will be provided in writing.

### 4. Vacation Leave Use

An employee can use vacation leave without advance approval under the following conditions as specified in [WAC 357-31-200](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-200):

#### a. As a result of the employee's serious health condition.

#### b. To care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.

#### c. To care for a minor/dependent child with a health condition that requires treatment or supervision.

#### d. For parental leave. See Section N: Parental Leave.

#### e. For domestic violence leave. See Section E: Domestic Violence Leave.

#### f. For military family leave. See Section L: Military Family Leave.

#### g. For faith or conscience leave. See Section F: Faith or Conscience Leave.

#### h. Employees may donate vacation leave as shared leave in accordance with WAC 357-31 and WVC policy 500.375: Shared Leave.

Approval for the reasons listed above may be subject to verification that the condition or circumstance exists.

### 5. Vacation Leave Cancellation

#### a. Should the college be required to cancel scheduled vacation leave because of an emergency or exceptional business needs, affected employees may select new vacation leave from available dates. In the event the affected employee has incurred non-refundable, out of pocket, vacation expenses, the employee may be reimbursed by the college.

#### b. In those cases where an employee will not have sufficient vacation leave to cover the absence at the time it is scheduled to commence, the college may cancel the approved vacation leave or authorize leave without pay. Should the college cancel the vacation leave due to insufficient vacation leave, the affected employee will not be reimbursed for any vacation expenses.

### 6. Vacation Leave Maximum ([WAC 351-31-210](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-210), [215](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-215))

Employees may accumulate a maximum vacation balance not to exceed 240 hours. However, there are two exceptions that allow vacation leave to accumulate above the maximum:

#### a. If an employee’s request for vacation leave is denied by the supervisor, and the employee is close to the vacation leave maximum, the college will grant an extension for each month that the supervisor must defer the employee’s request for vacation leave. If leave is denied prompting deferral of leave, a statement from the supervisor that meets the minimum requirements of [WAC 351-31.220](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-220) must be sent to human resources to help facilitate the deferral process.

#### b. An employee may also accumulate vacation leave days in excess of 240 hours as long as the employee uses the excess balance prior to his or her anniversary date. Any leave in excess of the maximum that is not deferred in advance of its accrual as described above, will be lost on the employee’s anniversary date.

### 7. Payout of Unused Vacation Leave ([WAC 351-31-225](http://apps.leg.wa.gov/WAC/default.aspx?cite=357-31-225))

Any employee, who resigns, retires, is laid-off or is terminated by the college, will be entitled to be paid for unused vacation leave. In addition, the estate of a deceased employee will be entitled to payment for unused vacation leave.

## X. VETERANS IN-SERVICE SHARED LEAVE POOL (VISSLP)

Employees are eligible for VISSLP in accordance with [WAC 357-31-750](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31-750) through [WAC 357-31-830](http://apps.leg.wa.gov/wac/default.aspx?cite=357-31-830) and WVC policy 500.385, Veterans In-State Service Shared Leave Pool.

Approved by the president’s cabinet: 7/10/12, 12/30/14, 6/4/19

Presented to the board of trustees: 9/12/12, 1/21/15, 6/19/19

Last reviewed: \_\_/\_\_/\_\_

Procedure contact: Human Resources

Related policies and procedures

 540.090 Classified Leave Policy