

Shared Leave

NOTE: The website URL for **Workday reference guides** that are referenced in this section is:
<https://confluence.esg.wsu.edu/display/WKB/Workday>

OVERVIEW

State law authorizes the University to permit an employee to receive shared leave under certain conditions. The statute also authorizes the University to grant an employee's request to donate leave to employees who have been approved to receive shared leave by the University. (*RCW* 41.04.650 through 41.04.670)

Civil Service Employees

Refer to *WAC* 357-31 for additional shared leave guidance with respect to civil service employees who are not members of a bargaining unit.

Collective Bargaining Unit Employees

Employees who are members of collective bargaining units refer to the applicable bargaining unit agreements regarding shared leave rules and procedures.

REQUESTING SHARED LEAVE

Eligibility

WSU faculty members, administrative professional employees, and classified staff are eligible to request participation in the shared leave program when the employee is entitled to accrue sick leave or annual leave.

The following individuals are not eligible to receive shared leave:

- Temporary hourly employees. (See *BPPM* 60.43)
- Employees who do not accrue leave.
- Employees approved for time loss compensation and other benefits from the Washington Department of Labor and Industries (L&I) also referred to as workers' compensation (see *SPPM* 2.30).

NOTE: If the workers' compensation claim is denied, the employee may apply for shared leave. If a workers' compensation claim is reopened and the employee receives benefits, the employee is not eligible for shared leave and may have to repay any shared leave used.

Shared Leave

Criteria

When deciding whether or not to grant a request for shared leave, the University considers the applicability of criteria from *RCW* 41.04.665 described below:

- 1) The employee suffers from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which is serious, extreme, and/or life threatening. The injury, illness, impairment, or condition must prevent the employee from working for at least five days.

An employee's relative is limited to the employee's spouse, state-registered domestic partner, child, grandchild, grandparent, or parent.

NOTE: Child is defined as a biological child, stepchild, or adopted child. A child for whom the employee is a legal guardian also qualifies.

- 2) The employee is called to service in the uniformed services. See [Uniformed Service Shared Leave Pool](#).
- 3) A state of emergency is declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath, *and*

The employee volunteers their services to a governmental agency or 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.

- 4) The employee is a victim of domestic violence, sexual assault, or stalking.
- 5) The illness, injury, impairment, condition, consequence of domestic violence, sexual assault, or stalking, or the call to military 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.
- 6) The employee's absence and use of shared leave are justified.

Shared Leave

Criteria (cont.)

- 7) The employee has depleted or will shortly deplete their:

Compensatory time, personal holiday, annual leave, and sick leave reserves, assuming the employee qualifies for shared leave under #1 above.

Personal holiday, annual leave, and paid military leave allowed under *RCW* 38.40.060, assuming the employee qualifies for shared leave under #2 above.

Personal holiday and annual leave, assuming the employee qualifies for shared leave under #3 or #4 above.

- 8) The employee has abided by the University's rules regarding:

Sick leave use, assuming the employee qualifies for shared leave under #1 or #4 above; *or*

Military leave, assuming the employee qualifies for shared leave under #2 above.

- 9) The employee has diligently pursued and been found to be ineligible for worker's compensation benefits (see *RCW* 51.32), assuming the employee qualifies for shared leave under #1 above.

NOTE: If a worker's compensation claim is later opened, the employee would not be eligible for shared leave and must notify Human Resource Services (HRS).

Examples of Qualifying Conditions

Examples of an extraordinary or severe illness, injury, impairment, or physical or mental condition include the following:

- Heart attack
- Cancer requiring surgery and/or other forms of debilitating treatment, such as chemotherapy and radiation
- Organ transplant
- Major surgery requiring extended hospitalization
- Cognitive impairments, including mental illness that cannot be controlled by prescription drugs and that renders the person incapable of productive employment

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Examples (cont.)

- Terminal illness or condition that renders the person incapable of productive employment
- Traumatic injuries that render the person incapable of working for an extended period of time

Application for Shared Leave

To request approval to receive shared leave hours, an employee submits all of the following documentation to HRS:

- WSU Leave Request Form / Application for Family Medical Leave (FML)

To obtain the form, contact HRS, or go to:

hrs.wsu.edu/

- Medical Leave Certification for FML, Medical, or Shared Leave form or similar documentation regarding the health condition; *or*

A copy of the military orders; *or*

A copy of the proof of acceptance of the employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency; *or*

A copy documentation verifying that the employee is a victim of domestic violence, sexual assault, or stalking. See [Verification of Domestic Violence, Sexual Assault, or Stalking](#).

For medical conditions, HRS requires a completed medical leave certification in a form satisfactory to HRS and any other documentation from a health care provider that demonstrates that the health condition meets the criteria for applying for shared leave.

Prior to deciding whether or not to grant the employee's request for shared leave, HRS reviews the submitted documentation and determines whether the health condition qualifies the employee to apply for shared leave or if additional documentation is needed.

To obtain the medical leave certification form, contact HRS, or go to:

hrs.wsu.edu/

Shared Leave

Application (cont.)

- Copy of the latest Time Entry Calendar in Workday.

If the employee is incapacitated, an employee's representative may provide the employee's documentation.

Employees must have their Time/Leave Reports and/or Workday Time Entry Calendar audited by HRS prior to any shared leave use in order to ensure accurate leave balances.

HRS Pullman maintains and completes the employee's Time Entry Calendar during the time the employee is receiving or using shared leave.

Maximum Shared Leave Granted

Shared leave for a medical condition is not granted for longer than a total of 90 calendar days or 522 hours (for a full-time employee) per condition or event.

NOTE: The number of hours of shared leave received per condition or event is based on the employee's FTE (Full-Time Equivalent). A full-time employee receives up to 522 hours per condition. A part-time employee receives the number of hours prorated according to the employee's FTE percentage.

An employee is not allowed to receive more than 261 days of shared leave during their entire career of state employment. (*RCW* 41.04.665)

Relative or Household Member Condition

Shared leave to care for a relative or household member is not granted for longer than a total of 90 calendar days or 522 hours (for a full-time employee) per condition or event.

To receive shared leave, the employee must provide written documentation from a health care provider/agency, which demonstrates to the satisfaction of HRS that the relative or household member requires the presence of the employee during the employee's regular work hours for the person's care.

Acceptable documentation includes notes regarding such requirements from the health care provider and/or social service agency in the family member section of the medical leave certification form.

Copies of the medical leave application and certification forms are available on the HRS website at:

Shared Leave

Alternatives to Shared Leave WSU encourages and pursues other methods of reasonably accommodating the employee's needs, such as modified duty, modified hours, flextime, or special assignments in lieu of shared leave.

Long-Term Disability Employees have the option of purchasing optional long-term disability (LTD) insurance through HRS, with waiting periods ranging from 30 to 360 calendar days. If an employee applies for shared leave and is found to be eligible, shared leave is only to be applied to cover the employee's chosen optional waiting period or up to a maximum of 90 calendar days or 522 hours for a full-time employee, whichever is shorter.

Shared leave hours may be saved for use during the FML period and during an additional month of leave in order to pay the employee health premiums. No more than eight hours of shared leave may be used for this purpose.

NOTE: The number of hours of shared leave received per condition is based on the employee's FTE. A full-time employee receives up to 522 hours per condition. A part-time employee receives the number of hours prorated according to the employee's FTE percentage.

Verification of Domestic Violence, Sexual Assault, or Stalking

When an employee or an employee's family member is a victim of domestic violence, sexual assault, or stalking and the employee is seeking to use shared leave, HRS requires verification to support the request.

The employee must provide HRS with one or more of the following:

- A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking.
- A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking.
- Evidence from the court or prosecuting attorney that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking.

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Verification (cont.)

- The employee's written affidavit that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.
- Documentation from any of the following persons from whom the employee or employee's family member sought assistance that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking:
 - An advocate for victims of domestic violence, sexual assault, or stalking
 - An attorney
 - A member of the clergy
 - A medical or other professional qualified to render an opinion in this matter

Review and Approval Process

The shared leave request is reviewed by HRS Pullman on a case-by-case basis. HRS determines whether the employee's request for shared leave is approved or denied based upon the criteria in the law and this policy.

Shared leave is not granted for longer than 90 calendar days or 522 hours (for a full-time employee) per condition, event, or occurrence.

HRS may contact the employee's supervisor, dean, or area director to determine if other alternatives can be pursued to accommodate the employee in lieu of the use of shared leave.

Redetermination or Appeal

To request a redetermination or appeal of a denied shared leave request, the employee submits a written statement to the Director, HRS Pullman, French Administration 139, mail code 1014.

A redetermination of a denied shared leave request must be submitted no later than 30 days after the date of the denial letter.

DONATING LEAVE

WSU faculty members, administrative professional employees, and classified staff who accrue annual leave, sick leave, or personal holidays may request approval to donate leave to an approved shared leave recipient.

All donations of leave must be to a specific person in a specific University department or state agency. (See also [Shared Leave Transfer Between State Agencies or Institutions](#).)

Shared Leave

DONATING LEAVE (cont.)

Refer to *RCW* 41.04.665 and *WAC* 357-31-425 regarding the terms for donating annual and sick leave, and personal holidays. HRS reviews submitted donation forms to ensure that the donations are within compliance with these provisions.

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 holidays that would otherwise be lost due to separation of employment.

Faculty Donors

Faculty may donate up to 40 hours of sick leave per approved recipient and a maximum of 80 hours of sick leave per calendar year.

Donation Request

The donor employee submits a completed Request to Donate Shared Leave form to HRS, along with a copy of their most recent Time Entry Calendar.

After HRS verifies that the employee is eligible to request to donate leave, HRS determines whether or not to grant the request. If HRS grants the request, the donated hours are deducted from the employee's Time Entry Calendar.

HRS then notifies the employee eligible to receive shared leave of the transferred hours.

Funding Source

Donor Employees

Employees may donate leave hours within WSU regardless of the salary funding source.

When an employee supported by a sponsored project makes a leave donation, the project gains the hours the employee would have otherwise taken for leave.

Recipient Employees

An employee whose salary expenses are supported by a sponsored project must have the expenses reassigned to a nonsponsored fund in order to receive shared leave. An employee whose salary expenses are assigned to a nonsponsored project maintains the current funding source.

Prepare a Payroll Costing Allocation in Workday to change an employee funding source. See the Workday Payroll Assign Costing Allocation reference guide.

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Converting Hours

HRS converts the donor employee's hours to a monetary value based upon the donor's current salary.

The equivalent of the recipient employee's salary is the basis for determining the number of hours of shared leave actually received.

SHARED LEAVE TRANSFER BETWEEN STATE AGENCIES OR INSTITUTIONS

WSU transfers shared leave to and receives shared leave from other state of Washington agencies or institutions with the approval of both employers, in accordance with *WAC* 357-31-410 and *RCW* 41.04.665.

When shared leave is transferred to another state agency or institution, equivalent funding is also transferred from the approved donor's department.

Employees Supported by Sponsored Projects

Employees whose salary expenses are supported by sponsored projects are not eligible to donate leave.

An employee whose salary expenses are supported by a sponsored project may receive shared leave from employees of other state of Washington agencies or institutions. However, the employee's funding source must be changed to a nonsponsored fund in order to receive the shared leave.

Prepare a Payroll Costing Allocation in Workday to change an employee funding source. See the Workday Payroll Assign Costing Allocation reference guide.

RETURNING HOURS

If the recipient employee does not use the shared leave hours, unused hours are returned to the donor employee's accrual balances. The hours are proportionately returned to the appropriate type of leave accrual, i.e., annual leave, sick leave, personal holiday. If there are multiple donors, the unused hours are returned to the donors on a prorated basis. (*WAC* 357-31-445 and *RCW* 41.04.665)

HRS sends a memorandum to the donor and the donor's department when returning unused donated hours.

USE OF SHARED LEAVE

The recipient employee uses the donated leave as if it were their own and is not required to repay the value of the leave that they use.

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.

Shared Leave

USE (cont.)

A probationary or trial service employee who uses shared leave has their probationary period or trial service period extended by the number of calendar days they are on shared leave.

Criteria

The employee must first use all accrued compensatory time, personal holiday, sick leave, and annual leave before being eligible to use any donated shared leave.

An employee called to military duty must first use their personal holiday, annual leave, and military leave balances before they are eligible to use shared leave.

An employee on emergency volunteer service must first use their personal holiday and accrued annual leave.

Abuse of Shared Leave

HRS Pullman investigates alleged or suspected abuse of shared leave by a recipient. If abuse is found, the appropriate employee processes are followed in accordance with the employment type, including consultation with the Faculty Status Committee, the Provost's Office, and HRS.

Employees determined to have abused the shared leave policy are subject to sanctions imposed using the due process protections of applicable University policies, handbooks, and collective bargaining agreements, including repayment of any improperly-used shared leave.

UNIFORMED SERVICE SHARED LEAVE POOL

The state of Washington created the Uniformed Service Shared Leave Pool (USSLP) to enable state employees who are called to service in the uniformed services to maintain levels of compensation and employee benefits consistent with the amount the employees would have received in active state service. The pool was also created to allow general government and higher education employees to voluntarily donate leave to be used by any eligible employee who has been called to service in the uniform services in accordance with *RCW* 41.04.685.

The USSLP is administered by the Washington Military Department in consultation with the Office of the State Human Resources Director and the Office of Financial Management. (*RCW* 41.04.685)

Eligibility to Receive

An employee is eligible to receive shared leave from the USSLP for an unlimited period of time if the employee's monthly military salary is less than the employee's monthly state salary, as defined in *RCW* 41.04.685(10)(d).

Shared Leave

Eligibility (cont.)

If the employee's monthly military salary is greater than the employee's monthly state salary, the employee may still receive leave through the general shared leave program for up to 90 days. Regardless of the employee's state and military salaries, up to eight hours per month may be used from the USSLP for the purpose of continuing the employee's medical benefits.

Donating Leave

An employee who is eligible to donate leave under *RCW* 41.04.665 may donate leave through Workday to the USSLP in accordance with *RCW* 41.04.685. See the applicable Workday Time and Absence reference guide.

Contact HRS regarding leave donations to the USSLP.

Donating Leave to a Specific Employee

Employees may not direct leave donated to the USSLP to a specific individual.

Employees may donate leave to specific employees through the general shared leave program (see [Donating Leave](#).)

Use of Pool Leave

An employee who has been called to service in the uniformed services and is eligible for shared leave under *RCW* 41.04.665 may request shared leave from the USSLP.

Employees must withdraw leave donated to the USSLP in accordance with procedures established by the Washington Military Department. For more information regarding these procedures, see the Military Department's USSLP website at:

mil.wa.gov/uniformed-service-shared-leave-pool

Contact HRS to request shared leave from the pool.

Abuse of the Pool

HRS investigates any alleged abuse of the USSLP. If HRS finds wrongdoing, the employee may be required to repay all of the shared leave received from the pool.