



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

Non-represented Only

REVISION DATE
4/14/14

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NUMBER
DOC 830.030

POLICY

TITLE
SHARED LEAVE

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!

APPROVED:

Signature on file

BERNARD WARNER, Secretary
 Department of Corrections

3/13/14

 Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 38.40.060](#); [RCW 41.04](#); [WAC 357-01-072](#); [WAC 357-31](#); [DOC 830.100 Leave](#); [SAAM 25.40.10](#); [SAAM 25.40.40](#)

POLICY:

- I. The purpose of shared leave is to permit state employees, at no significantly increased cost to the state, to provide leave to other state employees under certain circumstances. Shared leave will be monitored, controlled, tracked, and handled confidentially.
- II. For the purposes of this policy, a relative is an employee's spouse/state-registered domestic partner, child, grandchild, parent, or grandparent. A child is an employee's biological/adopted/foster child, stepchild, or legal ward, or a child for whom the employee stands in loco parentis.

DIRECTIVE:

- I. Eligibility
 - A. An employee is eligible to request participation in the shared leave program when s/he is qualified to accrue sick or vacation leave.
 1. Employees approved for time loss compensation and other benefits (i.e., workers' compensation) from the Washington State Department of Labor and Industries are not eligible to receive shared leave.
 - a. An employee may apply for shared leave if his/her workers' compensation claim is denied. If the claim is later approved, the shared leave eligibility will be rescinded.
 2. Non-permanent employees who are eligible to use their accrued leave or personal holiday may be approved for and use shared leave up to the expected end date of their non-permanent appointment.
- II. Criteria
 - A. Qualifying reasons for shared leave include:
 1. Suffering from, or has a relative or household member who suffers from, an illness, injury, impairment, or physical or mental condition which is serious, extreme, or life-threatening.
 - a. Examples may include, but will not be limited to:

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- 1) Life-threatening illness requiring surgery or other debilitating treatment (e.g., chemotherapy, radiation),
 - 2) Cognitive or reasoning impairment, including mental illness that cannot be controlled by prescription medication, when the impairment makes the individual incapable of productive employment,
 - 3) Major surgery requiring extended hospitalization, including surgical recovery period,
 - 4) Terminal illness or condition that makes the individual incapable of productive employment, and/or
 - 5) Traumatic injury that makes the individual incapable of working for an extended period of time.
2. Being called to active duty in the uniformed services.
 3. Volunteering with a government agency or non-profit organization during a state of emergency declared by the federal or any U.S. state government, when the employee has the skills needed to assist in responding to the emergency or its aftermath.
 4. Being a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655.

III. Conditions for Approval

- A. When determining whether to grant a request for shared leave, the Department will consider whether the employee:
 1. Has entered or will likely enter leave without pay status due to the qualifying criteria and may terminate his/her state employment.
 2. Has depleted or will shortly deplete his/her available leave, as follows:
 - a. Compensatory time, personal holiday, vacation leave, and sick leave accruals or reserves, if the employee qualifies for shared leave under Directive II.A.1. of this policy.
 - b. Paid military leave allowed under RCW 38.40.060, personal holiday, and vacation leave, if the employee qualifies for shared leave under Directive II.A.2. of this policy.

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c. Personal holiday and vacation leave, if the employee qualifies for shared leave under Directive II.A.3. or 4. of this policy.

3. Has abided by the Department's rules regarding sick leave and/or military leave, as applicable.

4. Has diligently pursued and been found ineligible for workers' compensation benefits, if applicable.

5. Is eligible for or receiving applicable Family Medical Leave.

a. The Appointing Authority may deny shared leave use beyond the employee's approved Family Medical Leave entitlement.

1) The Appointing Authority may approve 8 hours of shared leave beyond the end of the Family Medical Leave period to continue insurance coverage into the following month.

B. In lieu of shared leave, the Department may consider other methods of temporarily accommodating the employee's needs (e.g., modified job duties or work schedule/setting, flextime, etc.).

IV. Requests to Participate

A. Requests for shared leave should be made in advance, when possible, and must be made within 60 calendar days following the date for which shared leave is requested to begin.

B. Employees will complete DOC 03-114 Shared Leave Request and submit it with the required verifying documentation to their Human Resources Office for recommendation to the Appointing Authority. If the employee is incapacitated, his/her representative may provide the documentation. Required verifying documentation includes, as appropriate:

1. DOC 03-271 Shared Leave Medical Certificate or equivalent from a licensed physician or health care practitioner which:

a. Verifies the serious, extreme, or life-threatening nature of the condition,

b. Demonstrates that the health condition meets the shared leave criteria, and

c. Specifies the expected duration of the condition.

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2. A copy of military orders.
 3. Proof of acceptance of the employee's offer to volunteer with a governmental agency or non-profit organization during a declared state of emergency.
 4. One or more of the following documents verifying domestic violence, sexual assault, or stalking:
 - a. A police report identifying the employee as a victim.
 - b. A court order protecting or separating the employee from the perpetrator.
 - c. 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.
 - d. The employee's written statement that s/he is a victim.
 - e. Documentation from any of the following individuals from 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, or
 - 4) A medical or other professional.
- C. The Appointing Authority's decision is final. If approved, the Human Resources Office will route a copy of the signed DOC 03-114 Shared Leave Request to the Payroll Office and process the request.
1. Shared leave for a medical condition will be granted in increments of no more than 90 calendar days per condition or event. Shared leave granted as a result of domestic violence will be granted in increments of no more than 60 calendar days.
 - a. If the employee needs additional leave, s/he will need to submit a new DOC 03-114 Shared Leave Request with new verifying documentation.



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- 2. An employee's amount of shared leave may be limited by the Appointing Authority based on operational necessity or the health care practitioner's recommendation.
- 3. If donated leave is received, employees may:
 - a. Request payment for leave without pay incurred during the period covered by the request.
 - b. Use the donated leave during their optional long-term disability insurance waiting period, up to a maximum of 522 hours for a full-time employee and prorated for all other employees.
- D. If the leave is denied, the Human Resources Office will immediately notify the employee of the Appointing Authority's denial.
- E. Shared leave donations used will not exceed 522 days during the employee's total state employment.
 - 1. Shared leave from the Uniformed Services Shared Leave Pool is not counted toward the maximum hours or days of shared leave granted.

V. Treatment of Employees Using Shared Leave

- A. An employee using shared leave under this policy will continue to be classified as a state employee and receive the same treatment regarding salary, wages, and employment benefits as s/he would receive if using another form of paid leave.
- B. If an employee uses shared leave while in probationary or trial service status, his/her probationary or trial service period will be extended by the number of calendar days s/he is on shared leave, unless the shared leave is based on the employee's call to service in the uniformed services.

VI. Conditions for Donating Leave

- A. Employees may donate vacation leave, provided the donation does not cause their vacation leave balance to fall below 80 hours. For part-time employees, the required minimum balance will be prorated.
- B. Employees may donate sick leave, provided the donation does not cause their sick leave balance to fall below 176 hours.
- C. Employees may donate all or part of their personal holiday. When donating only a part of their personal holiday, employees must use the remainder of their

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personal holiday in one absence and in accordance with WAC 357-31-425 and DOC 830.100 Leave.

- D. Donated leave and personal holiday are transferable between employees in different agencies with the agreement of both agency heads. The Payroll Offices will coordinate the request for these transactions.

VII. Donation Process

- A. Once approved, a message soliciting shared leave donations may be posted on behalf of the requesting employee, unless s/he waives this option on the request form.
- B. Employees who wish to donate leave or their personal holiday to another employee will complete and submit DOC 03-115 Shared Leave Donation to their Payroll Office. Donation forms should be submitted as soon as possible, but must be submitted no later than 60 calendar days following the end of the approved shared leave period.
- C. Employees who wish to donate leave to the Uniformed Service Shared Leave Pool will submit DOC 03-115 Shared Leave Donation to the Payroll Office. The Payroll Office will complete its portion of the form and forward it to the Military Department.
- D. The Payroll Office will process donations of leave per Office of Financial Management requirements and WAC 357-31.
- E. Donated leave or personal holidays will not be transferred to the receiving employee until an approved DOC 03-114 Shared Leave Request is received by the Payroll Office.

VIII. Return of Unused Shared Leave

- A. Donated leave will only be returned when the receiving employee does not use all the donated hours. The amount and type of leave returned will be prorated based on the original donation.
- B. The local Human Resources Office will notify the Payroll Office immediately when they receive notification that the receiving employee has returned to work.
- C. The Payroll Office will complete the process of returning unused leave to the donor(s) no later than 120 calendar days following the end of the eligible shared leave period.

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- D. Before unused leave obtained in connection with an illness or injury is returned, the Payroll Office must receive verification that the employee's illness or injury is resolved.
- E. Donating employees will be sent electronic notification of the return of any donated leave or personal holiday hours.
- F. Any personal holiday hours returned after the year they were accrued cannot be used. The donating employee may use any personal holiday hours returned during the same calendar year they were donated.
- G. No repayment of shared leave is required once used by the employee, except when s/he has a denied compensation claim that is later approved, in which case the employee may be required to repay any shared leave used.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Household Member. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

- [DOC 03-114 Shared Leave Request](#)
- [DOC 03-115 Shared Leave Donation](#)
- [DOC 03-271 Shared Leave Medical Certificate](#)