



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE
Non-Represented Only

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POLICY

TITLE

SHARED LEAVE

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SUMMARY OF REVISION/REVIEW:

III.H., IV.D., and V.B. - Adjusted for person-centered language


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

1/25/22

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 38.40.060](#); [RCW 41.04](#); [RCW 74.15.040](#); [WAC 357-01-072](#); [WAC 357-31](#); DOC 830.100 Leave; [SAAM 25.40](#)

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 (i.e., in the place of a parent).

DIRECTIVE:

- I. General Requirements
 - A. An employee using shared leave will continue to be classified as a state employee and receive the same treatment regarding salary, wages, and employment benefits as the employee would receive if using another form of paid leave.
 - B. If an employee uses shared leave while in probationary or trial service status, the probationary or trial service period will be extended by the number of days the employee is on shared leave, unless the shared leave is based on the employee’s call to active duty in the uniformed services.
- II. Eligibility
 - A. An employee is eligible to request participation in the shared leave program when the employee qualified to accrue sick or vacation leave.
 1. Employees approved for time loss compensation and other benefits (e.g., 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 the workers’ compensation claim is denied. If the claim is later approved, the shared leave eligibility will be rescinded.

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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.
- B. Qualifying criteria for shared leave includes:
1. Suffering from, or has a relative or household member who suffers from, an illness, injury, impairment, or physical/mental condition which is serious, extreme, or life-threatening.
 - a. Examples may include, but will not be limited to:
 - 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.
 - 5) Traumatic injury that makes the individual incapable of working for an extended period of time.
 2. Being sick or temporarily disabled because of pregnancy disability (i.e., pregnancy-related medical condition or miscarriage).
 3. Parental leave to bond with the employee's newborn, adoptive, or foster child.
 4. Being called to active duty in the uniformed services.
 5. Being a current member of the uniformed services or veteran as defined in RCW 41.04.005 and is attending medical appointments/treatments for a service-connected injury/disability.
 6. Being an employee who is the spouse of a current member of the uniformed services or veteran who requires assistance while attending medical appointments/treatments for a service-connected injury/disability.

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7. Being a licensed foster parent per RCW 74.15.040 needing to care for or preparing to accept a foster child in the home.
 8. 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.
 9. Being a victim of domestic violence, sexual assault, or stalking as defined per RCW 41.04.655.
- C. Employees must exhaust compensatory time, personal holiday(s), and, if applicable, military leave per RCW 38.40.060 before using shared leave.
1. Up to 40 hours of vacation leave and 40 hours of sick leave may be left in reserve.

III. Requests to Participate


- A. Requests for shared leave should be made in advance, when possible, and must be made within 60 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 following required verifying documentation, as appropriate, to their Human Resources Office for recommendation to the Appointing Authority:
 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.
 2. A copy of military orders.
 3. Proof of acceptance of the employee's offer to volunteer with a government agency or non-profit organization during a declared state of emergency.

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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 the employee is a victim.
 - e. Documentation from any of the following individuals from whom the employee or employee's relative 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. A representative may provide the required documentation if the employee is incapacitated.
- D. Employees must submit a new DOC 03-114 Shared Leave Request if a previous shared leave account is closed and the employee later has a need to use shared leave due to the same condition.
- E. When determining whether to grant a request for shared leave, the Appointing Authority will consider whether the employee:
 1. Has entered or will likely enter leave without pay status due to the qualifying criteria and may terminate the employee's state employment.
 2. Has abided by the Department's rules regarding sick leave and/or military leave per DOC 830.100 Leave, if applicable.
 3. Has diligently pursued and been found ineligible for workers' compensation benefits, if applicable.
- F. The Appointing Authority may deny shared leave use beyond the employee's approved Family and Medical Leave entitlement.

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1. The Appointing Authority may approve 8 hours of shared leave beyond the end of the Family and Medical Leave period to continue insurance coverage into the following month.
- G. The Appointing Authority's decision is final.
1. 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.
 - a. Shared leave for a medical condition will be granted in increments of no more than 90 days per condition or event. Shared leave granted as a result of domestic violence will be granted in increments of no more than 60 days.
 - 1) A new DOC 03-114 Shared Leave Request will be submitted with new verifying documentation for additional leave.
 - b. An employee's amount of shared leave may be limited by the Appointing Authority based on operational necessity or the licensed physician/health care practitioner's recommendation.
 2. If denied, the Human Resources Office will immediately notify the employee of the Appointing Authority's denial.
 3. Other methods may be considered to temporarily accommodate an employee's needs (e.g., modified job duties or work schedule/setting, flextime).
- H. To use more than 522 days of shared leave donations during their total state employment, employees must receive approval from their Appointing Authority for extraordinary circumstances when suffering from an illness, injury, impairment, or physical or mental condition which is serious, extreme, or life-threatening.
1. Shared leave from the Uniformed Service Shared Leave Pool (USSLP), Veterans' In-State Service Shared Leave Pool (VISSLP), and Foster Parent Shared Leave Pool (FPSLP) are not counted toward the maximum hours or days of shared leave granted.
- I. If donated leave is received, employees may:
1. Request payment for leave without pay incurred during the period covered by the request.

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2. Use the donated leave during their optional long-term disability insurance waiting period, up to a maximum of 522 days for a fulltime employee and prorated for all other employees.

IV. Donating Leave

A. Employees may donate:

1. Vacation leave if the donation does not cause their vacation leave balance to fall below 80 hours. The required minimum balance will be prorated for part-time employees.
2. Sick leave if the donation does not cause their sick leave balance to fall below 176 hours.
3. All or part of their personal holiday. When donating a part of their personal holiday, employees must use the remainder of their personal holiday in one absence and per WAC 357-31-425 and DOC 830.100 Leave.

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.


1. Donation forms should be submitted as soon as possible, but no later than 60 days following the end of the approved shared leave period.
2. Requests to donate leave to the USSLP, VISSLP, or FPSLP will be forwarded to the appropriate government agency.

C. Donated leave and/or personal holidays are transferable between employees in different agencies with approval from both agency heads/designees and coordinated through the local payroll offices.

D. Donated leave and/or personal holidays will only be transferred to the receiving employee when an approved DOC 03-114 Shared Leave Request is received by the Payroll Office.

E. The Payroll Office will process donations per State Administrative and Accounting Manual 25.40 and WAC 357-31.

1. Once approved, a message soliciting shared leave donations may be posted on behalf of the requesting employee, unless waived on DOC 03-114 Shared Leave Request.

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V. Return of Unused Shared Leave

- A. Donated leave will only be returned when the receiving employee does not use all of the donated hours. To the extent feasible, the amount and type of leave returned will be prorated based on the original donation.
- B. Unused shared leave may only be returned when:
 - 1. The Appointing Authority receives a statement from the receiving employee's licensed physician/health care practitioner verifying the illness/injury is resolved, or
 - 2. The receiving employee returns to fulltime employment and the licensed physician/health care practitioner has declined, in writing, to provide a statement indicating the employee's condition has been resolved.
 - a. The employee may not have received additional medical treatment for the current condition or any other qualifying condition for at least 6 months.
- C. The Human Resources Office will immediately notify the Payroll Office when they receive notification the receiving employee has returned to work.
- D. The Payroll Office will complete the process of returning unused leave to the donor(s) no later than 120 days following the end of the approved shared leave period.
 - 1. Donors will be electronically notified of any donated leave or personal holiday hours returned.
 - 2. Donors may use any personal holiday hours returned during the same calendar year they were donated.
- E. No repayment of shared leave is required once used by the employee.

DEFINITIONS:

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

ATTACHMENTS:

None



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DOC FORMS:

- DOC 03-114 Shared Leave Request
- DOC 03-115 Shared Leave Donation
- DOC 03-271 Shared Leave Medical Certificate