

POLICY

Effective Date: September 20, 2011

Revised: March 9, 2020

Approved: President Sabah Randhawa

Authority: [RCW 41.04.650-41.04.685](#)

[SAAM 25.40.10; 25.40.40\(5\), 85.34.20](#)

See Also:	PRO-U5410.06A PRO-U5410.06B FRM-U5410.06A FRM-U5410.06B FRM-U5410.06C FRM-U5410.06D POL-U5410.03 POL-U5410.07	Requesting and Using Shared Leave Procedure Donating Shared Leave Procedure Shared Leave Donation Form Shared Leave Application Shared Leave Medical Certification Form Domestic Violence Leave Application Taking Family or Medical Leave Policy Accessing and Donating To State Shared Leave Pools Shared Leave Informational Website
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POL-U5410.06 REQUESTING AND DONATING SHARED LEAVE TO UNIVERSITY EMPLOYEES

This policy applies to all employees who are entitled to accrue sick and/or vacation leave and for whom accurate leave records are maintained.

Definitions:

Eligible Employee ([RCW 41.04.655](#)): Any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick and/or vacation leave and for whom accurate leave records are maintained.

Employee's Relative/Family Member: As defined by the appropriate collective bargaining unit agreement or Professional Staff Organization Handbook.

Extraordinary or Severe Nature ([RCW 41.04.655](#)): The condition is serious, extreme and/or life threatening as determined by a health care provider.

Household Member: As defined by the appropriate collective bargaining unit agreement or Professional Staff Organization Handbook.

Parental Leave: Leave to bond and care for a newborn child(ren) after birth or to bond and care for a child(ren) after placement for adoption or foster care.

Pregnancy Disability: Pregnancy-related medical condition or miscarriage.

Service in the Uniformed Services ([RCW 41.04.655](#)): The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty

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including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

Sponsored Projects: are defined as those activities, sponsored in whole or in part, by sources external to Western Washington University for which there is an expectation (implied or specifically stated) on the part of the sponsor for performance, deliverable(s) or outcome(s). Sponsored projects are awarded through various mechanisms - grants, contracts, cooperative agreements, and/or other legally binding means of transfer. If funding is a governmental entity (federal, state or local) or includes governmental flow-through funds, it would be considered a sponsored project agreement.

Uniformed Services (RCW 41.04.655): the Armed Forces, the Army National Guard, the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard Duty, or state active duty, the commissioned corps of the public health service, the Coast Guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

Victim of Violence (RCW 41.04.655): A person against whom [domestic violence](#), [sexual assault](#) or [stalking](#) has been committed.

1. University President Determines Level of Participation in State Shared Leave Program

Unless otherwise established in a collective bargaining agreement, the Office of Financial Management (OFM) establishes the definition and eligibility requirements for the state leave sharing program. Within OFM rules, the University President determines Western's level of participation in the program unless otherwise established in a bargaining unit agreement, and may modify the University's level of participation when there is an adverse impact on operations.

Under the purview of the Vice President for Business and Financial Affairs, the Assistant Vice President of Human Resources will ensure appropriate administration of the shared leave program in compliance with OFM rules.

Where any questions arise in the transfer of funds between agencies/institutions or the adjustment of appropriation authority, the Director of OFM shall determine the appropriate transfer or adjustment.

2. Employees Must Meet State Criteria to Receive and Use Shared Leave Donations

An employee may receive shared leave donations if the employee meets the criteria under one of the following sections (A-G):

- A. Suffers from an illness, injury, impairment, or physical or mental condition which is of

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an extraordinary or severe nature and has:

- 1) Diligently pursued and been found to be ineligible for worker's compensation benefits under RCW 51.32 when the leave is due to a workplace injury claim,
- 2) Depleted or will deplete all available accrued personal holiday, sick, and vacation leave, and
- 3) Provided appropriate medical certification from a licensed physician or health care practitioner.

B. Has a relative or household member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and has:

- 1) Depleted or will deplete all available accrued personal holiday, sick and vacation leave, and
- 2) Provided appropriate medical certification from a licensed physician or health care practitioner.

C. Is sick or temporarily disabled because of pregnancy disability and has:

- 1) Depleted or will deplete all available accrued personal holiday,
- 2) Depleted or will deplete all but 40 hours of sick leave and 40 hours of vacation leave, and
- 3) Provided appropriate medical certification to confirm need for leave as requested through the *Taking Family or Medical Leave Policy* (POL-U5410.03).

D. Is requesting parental leave and has:

- 1) Depleted or will deplete all available personal holiday,
- 2) Depleted or will deplete all but 40 hours of sick leave and 40 hours of vacation leave, and
- 3) Provided appropriate medical certification or verification of adoption to confirm the need for leave as requested through the *Taking Family or Medical Leave Policy* (POL- U5410.03).

E. Has been called to service in the uniformed services and has:

- 1) Depleted accrued vacation leave,

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2) Depleted paid military leave allowed under RCW 38.40.060, and

3) Provided appropriate military orders.

F. Has offered and been accepted by a governmental agency or nonprofit organization to provide humanitarian relief services and has the needed skills to assist in a devastated area within the U.S. that has been declared a state of emergency and has:

1) Depleted or will deplete all available accrued vacation leave and personal holiday, and

2) Provided a statement of acceptance from the agency or organization confirming the nature and time period of the service agreement.

G. Is a victim of domestic violence, sexual assault, or stalking and has:

1) Depleted or will deplete all available accrued vacation leave and personal holiday, and

2) Provided documentation from an agency or organization from which they are currently seeking protection or recovery assistance indicating the nature and approximate duration or type of leave. Such documentation may include, but is not limited to, protection, no-contact, restraining or anti-harassment orders or professional assistance verification.

Exception: The requirement for documentation may be waived by the Assistant Vice President for Human Resources when such documentation may not be available in a reasonable timeframe due to unusual circumstances.

Human Resources may request updated documentation from an employee to verify a continuing need for shared leave.

3. Employees May Donate to other WWU Employees under Certain Conditions

An employee may donate (in four hour increments) their vacation leave, sick leave or personal holiday to another employee who is eligible to receive donations when:

a) An employee's request to donate vacation leave does not cause their vacation leave accrual to fall below 80 hours after the transfer (prorated for part time employees),

b) An employee's request to donate sick leave does not cause their sick leave accrual to fall below 176 hours after transfer, and/or

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- c) An employee has a personal holiday to donate in part or whole.

Employees may not donate sick leave, vacation leave, or personal holidays that would otherwise be lost due to separation of employment.

Exception: Collective bargaining unit agreements may restrict members from donating excess vacation leave (hours in excess of 240) that the employee would be losing due to their employment anniversary.

4. Employees may Donate to Employees at Other Washington State Agencies

An employee may donate leave to an eligible employee at another state agency with department Director/Dean and Vice President (or President when applicable) approval, and the Office of Financial Management (OFM) when required. The conditions listed above also apply when donating to an employee at another state agency.

The amount of leave transferred to another state agency equals the donor's dollar value of leave plus fringe benefits. Following Vice President (or President when applicable) approval, payment will be issued to the agency receiving the leave.

In addition to the ability to donate to another state agency employee under this shared leave program, employees may also donate to a pool that assists state employees who:

- a) Are caring for or preparing to care for a foster child(ren),
- b) Are called to military duty in one of the U.S. Uniformed Services,
- c) Is a veteran requiring leave for medical care to a service connected injury, or
- d) Is a spouse of a veteran needing to take leave to care for the veteran with a service related injury.

See the *Accessing and Donating to State Shared Leave Pools Policy* (POL-U5410.07).

5. Limitations on Participation May Apply

The following employee conditions limit participation in the shared leave program:

- A. Employees on the 180-day medical leave plan are not eligible to:
 - 1) Receive shared leave donations, or
 - 2) Donate any of their 180-day medical leave time, but may donate their vacation leave.

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B. Employees whose position is funded in whole or in part by a sponsored project may:

- 1) Donate leave only to the extent their position is not sponsored, or
- 2) Receive leave donations only if the wage or salary expense can be covered by an approved non-sponsored project funding source.

C. An employee who qualifies for time loss under the state's Worker's Compensation program cannot use shared leave for the same time period.

D. Student and temporary employees are not eligible to receive or donate shared leave.

6. Human Resources Determines Donor and Recipient Eligibility Based on State Criteria

Human Resources will:

- a) Receive written requests to receive (FRM-U5410.06A) and donate shared leave (FRM-U5410.06B),
- b) Determine type of documentation to be provided by an employee and whether or not documentation is sufficient (see #2 above),
- c) Determine and notify employee of eligibility status, and
- d) Advertise employee's eligibility to receive donations as elected by the employee and administratively feasible.

Donations will be applied on a first in-first out basis, as needed.

7. Donations will be Calculated Based on Salary and Funding Source

In transferring leave from the donor to the recipient, the donor's salary will be converted into a dollar value that translates to shared leave for the recipient at the recipient's salary or hourly rate. For additional calculation information, refer to SAAM 25.40.10.

Grant funded positions are limited in being able to donate. Only the non-grant portion of their annual salary (not including the value of benefits) can be used to calculate the amount of donated leave. For example, if the donor's position is 50% state and 50% grant funded, then the dollar value of leave available is 50% of the total salary paid proportionately from both sources.

No changes are made to the various departments budget in the process of administering the program.

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8. Shared Leave Donations are Limited

The maximum amount of shared leave an employee may use is 480 hours per condition (for 2A, 2B, 2C, and 2D above) or situation (for 2E, 2F or 2G above). Hours are pro-rated if the employee is less than full time.

Exception: A supervisor may authorize with the appropriate Vice President's (or the President's) approval shared leave in excess of 480 hours in extraordinary circumstances if the employee is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature.

Total donations used by an employee shall not exceed 522 days of leave for the entire duration of state employment. For this purpose:

- a) Eight hours shall constitute a day per RCW 49.28.010 unless otherwise required by statute, regulations, or employment contract,
- b) Shared leave received under the Foster Parent Shared Leave Pool, Uniformed Service Shared Leave Pool, and Veterans' In-state Service Shared Leave Pool will not be included in the 522-day limit,
- c) Leave used in an established pooled sick leave program, as described in RCW 41.04.680, will be included in the 522-day limit, and
- d) Shared leave applicants must disclose if shared leave hours were used during other state service.

Transfers of leave shall not exceed the needed amount. The University may consider other methods of meeting the employee's needs, such as modified duty, modified hours, flextime, or special assignments.

9. Employees and Supervisors Must Communicate When Conditions for Leave Change

If the need for leave changes or ceases prior to the end date of the approved request, the employee must immediately notify their supervisor and Human Resources. Employees may be subject to disciplinary actions, up to and including termination, if they knowingly continue to use donated shared leave for which they are no longer eligible.

Supervisors must promptly communicate to Human Resources when they receive information about changes in an employee's leave status.

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10. Employees and Supervisors Must Abide by Leave Approval and Usage Rules

Employees requesting use of and supervisors approving use of donations via timesheets must abide by University policy, procedures, bargaining unit contracts, employee handbook and/or other applicable agency rules regarding:

- a) Sick leave use if they qualify under Section 2A, 2B, and 2G of this policy, or
- b) Military leave if they qualify under Section 2E of this policy.

Human Resources will notify supervisors when an employee is determined eligible to receive shared leave donations. Such notification will include the conditions and restrictions of shared leave use. Supervisors must ensure the conditions are met prior to approving an employee's time sheet requesting to use any amount of their shared leave balance.

11. Unused Donations are Returned to Donors

Unused shared leave will be returned to donors at its original value in accordance with OFM rules when any one of the following events occurs:

- a) When the donee is unable to use the remaining shared leave (i.e. the employee terminates employment), or
- b) When donations are in connection with an illness or injury, or any other qualifying event and Human Resources has received appropriate documentation verifying that the illness or injury is resolved, or
- c) When the leave to care for a family member expires.

When more than one employee donated leave to an individual, donations are returned on a prorated basis based on the donor's original donation to the degree that is administratively feasible.

12. Use of Returned Personal Holiday Donations is Limited

Any portion of the personal holiday that is not used shall be returned to the donor, and may be used by the donor if the returned donation occurs and is then used in the same calendar year that it was donated.

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13. Recipients of Donations Receive Certain Protections and Benefits

An employee on approved leave and eligible to receive and use shared leave shall:

- a) Continue to be classified as a state employee,
- b) Receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave, and
- c) Not be required to repay the value of the leave that they use.

14. Confidentiality Must be Maintained

All communications regarding an employee's leave under this policy shall be treated confidentially. All original documentation related to an employee's leave under this policy will be forwarded to and maintained by Human Resources. Such medical documentation will be maintained separate from an employee's personnel files in Human Resources and no copies are to be maintained by the employee's department.

Human Resources will release limited information only to others on a need-to-know basis for business or legal purposes. While an employee may choose to discuss medical/disability or related leave matters with others, a supervisor and those employees in the know must treat all such information or requests in a sensitive and confidential manner.

As required by the OFM, Human Resources will maintain appropriate records.

15. Determinations May Be Appealed

Determinations on eligibility made by Human Resources (see #6 above) may be appealed to and reviewed by OFM in Olympia, WA.

16. Human Resources Ensures Communication and Provides Training

Human Resources will regularly communicate to employees about the Shared Leave Program and provide training to facilitate implementation and compliance.