

# Shared Leave FAQ

## What is shared leave?

The Shared Leave Program, in accordance with [WAC 357-31](#) and applicable [Collective Bargaining Agreement's \(CBA\)](#), allows an employee to donate sick, personal holiday, and/or vacation leave to another qualified employee who has exhausted their paid leave balance while continuing to experience (or caring for a family member who is experiencing) a severe or extraordinary condition, or life threatening illness or injury.

## Who is eligible for shared leave?

State employees may donate leave to a fellow state employee who:

- Is suffering from, or 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;
- Has been called to service in the uniformed services;
- Is a current member of the uniformed services or is a veteran, and is attending medical appointments or treatments for a service connected injury or disability;
- Is a spouse of a current member of the uniformed services or a veteran, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments;
- A state of emergency has been declared anywhere within the United States by the Federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and is volunteering with a governmental agency or a nonprofit organization to provide humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;
- Is a victim of domestic violence, sexual assault or stalking;
- Needs the time for parental leave; or
- Is sick or temporarily disabled because of pregnancy disability.

## What does an agency require of an employee requesting shared leave?

The reason the employee is requesting leave will determine paperwork requirements, as indicated below in accordance with [WAC 357-31](#) or [CBA](#):

1. The agency may require an employee who suffers from, or has a relative or household member suffering from an illness, injury, impairment or mental condition, which is of an extraordinary or severe nature and is requesting shared leave for medical reasons to submit a medical statement by their primary care provider supporting the request.

A licensed physician or health care practitioner will:

- Verify the severity or extraordinary nature of the condition
  - Determine the expected duration of the condition
2. An agency may require an employee who is called to service in the uniformed services who is requesting shared leave to submit a copy of the military orders verifying the employee's required absence
  3. An agency may require an employee who is volunteering their services to either a governmental agency or nonprofit organization to assist in disaster relief efforts in response to a declared federal or state emergency or its aftermath to submit proof of acceptance of the employee's services by the government agency or nonprofit organization.

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4. An agency may require an employee who is a victim of domestic violence, sexual assault, or stalking to submit supporting documentation.
5. An agency may require an employee to provide documentation in accordance with [WAC 357-31-805](#) who is a current member of the uniformed services or is a veteran defined under [RCW 41.04.005](#), and is attending medical appointments or treatments for a service connected injury or disability
6. An agency may require an employee to provide documentation in accordance with [WAC 357-31-805](#) who is a spouse of a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#) who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments
7. An agency may require an employee who needs the time for parental leave as defined in [WAC 357-31-395\(3\)](#) or [applicable CBA](#) to provide verification of the birth or adoption of the child or proof of a current foster parent license or a court document for foster care of placement
8. An agency may require an employee who is sick or temporarily disabled because of pregnancy disability as defined in [WAC 357-31-395\(4\)](#) or [applicable CBA](#) to provide a medical certification from a licensed physician or health care practitioner verifying that the employee has a pregnancy disability.

## **What types of leave can be donated?**

Vacation Leave: Employees may donate vacation leave if this does not cause their vacation leave balance to fall below 80 hours. For part-time employees, requirements for vacation leave balances are prorated based off their employment percentage.

Additionally, certain [CBAs](#) specify that an employee may not donate excess vacation leave (hours in excess of 240) that the donor would not be able to take due to an approaching anniversary date. Prior to the donation, the donor's supervisor (or equivalent) determines how much of the excess leave the employee could use prior to the employee's anniversary date.

Because only approved usable excess leave can be donated, donating employees do not need a second approval to receive any remaining excess donated leave back should a reversion occur.

Sick Leave: Employees may donate any amount of sick leave provided the donation does not cause their sick leave balances to fall below 176 hours after the transfer.

Personal Holiday: An employee may donate all or part of a personal holiday. Any portion of the personal holiday that is not used shall be returned to the donating employee, 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. For represented employees, refer to the [CBA](#) for returns that cross calendar years.

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**What is the maximum amount of time that can be donated to an employee?**

An employee may not receive more than 522 days (4,176 hours) of shared leave for the entire duration of state employment. For this purpose, 8 hours shall constitute a day. An employer may authorize leave in excess of 522 days in extraordinary circumstances per [WAC 357-31-400](#).

**How is shared leave calculated when donated?**

In transferring leave from the donor to the shared leave recipient, it is the donor’s dollar value of the leave that transfers and purchases shared leave for the shared leave recipient at the shared leave recipients’ salary rate.

**Can an employee receive more shared leave than they can use for the approved reason?**

Yes. An employee can receive up to 522 days (4,176 hours) of shared leave during their total state employment. However, they cannot use more leave than they are approved for each instance and cannot use donated leave for a reason other than for which it was donated.

**When can an employee’s shared leave be used?**

Before you can begin using shared leave, and depending on the reason for which you are approved, [WAC 357-31-435](#) and/or [CBAs](#) requires employees to use the following accrued leave before using shared leave.

Reason for shared leave approval	Accrued leave that must be used before using shared leave
Suffers from, or 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	Compensatory time Recognition leave Personal holiday Sick leave Vacation leave
Has been called to service in the uniformed services	Compensatory time Recognition leave Personal holiday Vacation leave Paid military leave
<p>A state of emergency has been 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 volunteers their services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee’s off of volunteer services.</p> <p>OR</p> <p>Is a victim of domestic violence, sexual</p>	Compensatory time Recognition leave Personal holiday Vacation leave

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assault or stalking.	
<p>Is a current member of the uniformed services or is a veteran and is attending medical appointments or treatments for a service connected injury or disability</p> <p>OR</p> <p>Is a spouse of a current member of the uniformed services or a veteran who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments.</p>	<p>Compensatory time Recognition leave Personal holiday Sick leave Vacation leave</p>
<p>Needs the time for parental leave</p> <p>OR</p> <p>Is sick or temporarily disabled because of a pregnancy disability.</p>	<p>Compensatory time Recognition leave Personal holiday</p> <p><i>Note: The employee is not required to deplete all of their accrued vacation leave and sick leave and can maintain up to 40 hours of vacation leave and 40 hours of sick leave.</i></p>

### Does the employee have to use their monthly accruals before shared leave?

The employee must deplete their leave in accordance with the appropriate [CBA](#) or [WAC 357-31-435](#) before they can use shared leave.

### When is the employee no longer eligible for shared leave?

An employee remains on shared leave until the agency finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. If on shared leave for parental leave, the eligible employee is no longer eligible for shared leave after 16 weeks.

### Who is responsible to submit shared leave?

In accordance with the employers leave policy, it is the employee's responsibility to ensure the correct leave is submitted in a timely manner.

### Who is responsible to track leave?

In accordance with the employers leave policy, it is the employee's responsibility to ensure their leave balances stay in accordance with the appropriate [CBA](#) or [WAC 357-31-435](#) before they can use shared leave. It is DES Payroll's responsibility to track how much leave is donated to the employee for each qualifying event.

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## **Will ESS allow the employee to enter leave before/past my shared leave date?**

ESS will allow an employee or an employee's supervisor to enter shared leave before or after the shared leave approval date. It is the employee's responsibility to ensure their leave is coded correctly.

## **What happens to unused shared leave?**

All unused leave will be returned at its original value to the employee or employees who donated the leave.

If shared leave has been granted to an employee that suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, unused shared leave may not be returned to the donor until one of the following occurs:

- The employer receives a statement from the affected employee's licensed physician or health care practitioner verifying that the illness or injury is resolved.
- The employee is released to full-time employment, has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months, and the employee's medical provider has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

## **Can my shared leave balance be transferred with me to a new job?**

Shared leave can be transferred:

- Within a state agency and account,
- Between accounts or agencies, or
- Between agencies, education service districts, and school districts

Transfer of leave requires approval from the head or designee of both the donor and shared leave recipient agencies, educational service districts, or school districts. Please check your agencies shared leave policy.

## **Shared Leave Parental Leave**

### **What is parental leave for the purposes of shared leave?**

"Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to 16 weeks after the birth or placement.

### **What is a pregnancy-disability for the purposes of shared leave?**

"Pregnancy disability" means a pregnancy-related medical condition or miscarriage. The employer may require medical verification from a licensed physician or health care practitioner to determine what the pregnancy related condition is.

### **When does the employee's request for parental shared leave begin?**

If the employee does not have a pregnancy disability for which shared leave is used, the employee may be granted 16 weeks of shared leave for parental leave reasons beginning on the date of the child's birth or placement.

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## **How long does an employee with a pregnancy disability have to use the 16 weeks of parental shared leave if granted?**

The employee must use the 16 weeks of shared leave for parental reasons after the pregnancy disability has resolved and within the child's first year of life.

## **If an employee has already used shared leave for pregnancy disability, do they qualify for shared leave to bond and care for a newborn child after birth or placement?**

If an employee used shared leave for a pregnancy disability, the employee may also be eligible to receive an additional 16 weeks of shared leave for parental reasons after the pregnancy disability has ended.

**Example:** An employee is placed on bed rest for four weeks prior to giving birth. The employee then gives birth. The health care provider states the employee is incapacitated due to childbirth for the next six weeks. At the end of the six weeks, the employee may also request additional shared leave for parental leave.

In this example, the employee is eligible to receive shared leave for pregnancy disability for a total of 10 weeks, four weeks before the birth and six weeks after. The employee may begin using an additional 16 weeks of shared leave for parental reasons after the 10 weeks of pregnancy-disability has concluded. The total amount of shared leave used would be 26.

## **For non-birth giving parents, when does the employee's request for parental shared leave begin?**

The non-birth parent employee's 16 weeks of parental shared leave begins immediately after the birth or placement of the child.

## **Can an employee request to use parental shared leave intermittently?**

If approved for shared leave, the employee may use it intermittently for parental reasons, but use may not extend beyond 16 weeks from the date of the child's birth or placement or the end of pregnancy disability.

## **At the end of the 16 weeks for parental leave, may an employer return any unused shared leave to the donor without a statement from the employee's licensed physician or health care practitioner?**

Yes, an employer may return any unused shared leave to donors without a statement from the employee's licensed physician or health care practitioner as soon as the 16 weeks for parental leave has concluded.