

**WALLA WALLA COMMUNITY COLLEGE
SHARED LEAVE PROGRAM
POLICY 5410**

I. POLICY BACKGROUND/PURPOSE INTRODUCTION

The Washington State Shared Leave Program permits employees to come to the aid of another employee by donating a portion of their leave to co-workers whose regular paid leave has been or may be depleted because of a qualifying reason.

II. AUTHORITY

RCW 41.04.650 through RCW 41.04.670, OFM SAAM 25.40.10, Collective Bargaining Agreements

III. DEFINITIONS

- A.** Domestic violence – physical harm, bodily injury, assault, or the infliction of fear or imminent physical harm, bodily injury, or assault between family or household members as defined in RCW 26.50.010; sexual assault of one family or household member by another family member; or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.
- B.** Employee – an employee who is entitled to accrue leave and for whom leave records are maintained.
- C.** Household Members – persons who reside in the same home and who have reciprocal duties to and do provide financial support for one another. This term includes, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.
- D.** Relative – an employee’s relative will normally be limited to the employee’s spouse, child, stepchild, grandchild, parent, or grandparent.
- E.** Service in the uniformed services – this term means 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 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.
- F.** Severe or extraordinary – condition is serious or extreme and/or life threatening
- G.** Sexual assault – same meaning as in RCW 70.125.030.
- H.** Stalking – same meaning as in RCW 9A.46.110.
- I.** Uniformed Services – this term means the armed forces; the army national guard; and 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; or state active duty, the commission 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.

- J. Victim – a person that domestic violence, sexual assault, or stalking (as defined above) has been committed against.
- K. Parental leave - 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 sixteen weeks after the birth or placement.
- L. Pregnancy disability - a pregnancy-related medical condition or miscarriage.

IV. SCOPE OF POLICY

This policy applies to all employees who accrue leave.

V. ELIGIBILITY

- A. To be eligible to participate in the Shared Leave Program, a WWCC employee must be faculty (full or part time), classified or exempt eligible to accrue and use leave.
- B. As defined in Policy 5100, temporary hourly (part-time) and student workers are ineligible to participate in the Shared Leave program.
- C. The Vice President of Human Resources will determine the amount of Shared Leave, if any, an employee may receive.

VI. QUALIFYING REASONS

- A. The Vice President of Human Resources may permit an employee to receive shared leave if the employee has a qualifying reason to request shared leave. Qualifying reasons include:
 - 1. The employee suffers from, or has a relative or household member suffering from, an illness, injury, or physical or mental condition that is of an extraordinary or severe nature.
 - 2. The employee has been called to service in the uniformed services and/or the employee's request otherwise meets the eligibility criteria specified in RCW 41.04.665.
 - 3. 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 volunteers his or her 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 offer of volunteer services.
 - 4. The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655.
 - 5. Effective July 1, 2018, employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive or foster child, may be eligible for shared leave donations.

VII. QUALIFYING CONDITIONS

- A. Prior to permitting an employee to receive shared leave, the Vice President of Human Resources will confirm:
 - 1. The absence is verified as necessary by proof of the employee submitting required supporting documentation.
 - 2. The illness, injury, physical or mental condition, or call to service has caused, or is likely to cause the employee to go on leave without pay status or terminate employment.

3. The absence and the use of shared leave are justified.
 4. The employee has depleted or will shortly deplete his or her accrued compensatory time, vacation, sick, personal holiday, and/or paid military leave (as applicable).
Employees applying for shared leave due to pregnancy disability or parental leave may reserve 40 hours of vacation leave and 40 hours of sick leave.
 5. The employee has abided by WWCC administrative procedures regarding the use of sick and/or military leave (as applicable).
 6. The employee is not suffering from a Labor & Industries approved work-related injury or illness.
 - a) Employees are obligated to diligently pursue eligibility for benefits under chapter 51.32 RCW (Industrial Insurance) if the employee suffers from a work-related injury or illness.
- B. Employees are limited to using a maximum of 552 days total of Shared Leave during state employment.
 - C. Requests for leave should be made in advance, when possible, and must be made within sixty (60) calendar days following the date for which shared leave is requested to begin. Shared leave approved retroactively may be substituted for leave without pay taken for the qualifying reason.
 - D. Other methods of accommodating the employee's needs may be considered in lieu of shared leave; such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave.

VIII. PROCEDURE

- A. To request shared leave, an employee must submit an Application to Receive Shared Leave to the Human Resource Office, accompanied by the required written documentation that includes the specific duration of leave time necessary from the appropriate source:
 1. A medical certificate from a licensed physician or health care practitioner verifying the nature of the employee, relative or household member's severe or extraordinary illness or injury or mental condition, expected duration of the condition and expected date of return-to-work.
 2. A copy of the military orders.
 3. Proof of acceptance of an 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 was a victim.
 - b) A court order protecting or separating the employee from the perpetrator.
 - c) Evidence from a court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with the incident of domestic violence, sexual assault, or stalking.
 - d) A written statement from any of the following persons from whom the employee sought assistance in addressing the domestic violence, sexual assault or stalking:
 - i. An advocate for victims of domestic violence, sexual assault, or stalking.
 - ii. An attorney.
 - iii. A member of the clergy.

- B. Before unused shared leave is returned in connection with an illness or injury, the employee must submit a written statement from a licensed physician or health care practitioner verifying that the illness or injury is resolved.

XI. TREATMENT OF EMPLOYEES USING SHARED LEAVE

- A. An employee using shared leave will continue to be treated as an employee and will receive the same treatment regarding salary, wages, and employment benefits as the employee would receive if using accrued vacation or sick leave.
- B. An employee receiving shared leave is eligible for all regular leave accruals while receiving shared leave. Leave accruals earned while receiving shared leave must be used before additional leave is used.
- C. An employee who uses shared leave while on probationary or trial service status will have his or her probationary or trial service period extended by the number of calendar days he or she is on shared leave unless the shared leave is based on the employee's call to service in the uniformed services.

XII. SHARED LEAVE RECORDS

- A. Shared leave balances are maintained separately from other leave balances.
- B. Requests for shared leave will be maintained in the employee's Occupational Health Record.
- C. Employees receiving shared leave shall report use of such leave in accordance with the College's leave reporting process.
- D. The Payroll and Benefits Office is responsible for maintaining records and reporting shared leave activity in accordance with OFM regulations.

XIII. ATTACHED FORMS

- A. Application to Receive Shared Leave Form 5410F1
- B. Application to Donate Leave Form 5410F2

<p>Policy Contact: <u>Vice President of Human Resources</u></p> <p>Approved by: <u>Dr. Derek Brandes, President</u></p> <p>Date Originally Approved: 10/15/2003</p> <p>Last Reviewed/Revised on: 07/18/2018</p>
