

WASHINGTON ADMINISTRATIVE CODE (WAC)
FINANCE—SHARED LEAVE

WAC 392-126-004 Authority. The authority for this chapter is RCW 28A.400.380 which authorizes the superintendent of public instruction to adopt rules and regulations promulgating standards governing the administration of the shared leave program which permits sharing of annual and sick leave by school district and educational service district employees and sharing of personal holiday by educational service district employees.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-004, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-004, filed 8/21/90, effective 9/21/90.]

WAC 392-126-006 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual leave, sick leave, or personal holiday to a fellow employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-006, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-006, filed 8/21/90, effective 9/21/90.]

WAC 392-126-015 Definition—Annual leave. As used in this chapter, "annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue vacation leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-015, filed 8/21/90, effective 9/21/90.]

WAC 392-126-020 Definition—Sick leave. As used in this chapter, "sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300 (2)(c).

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-020, filed 8/21/90, effective 9/21/90.]

WAC 392-126-022 Definition—Personal holiday. As used in this chapter, "personal holiday" means the additional paid holiday per calendar year granted to an educational service district employee pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-022, filed 11/24/98, effective 12/25/98.]

WAC 392-126-025 Definition—Employee. As used in this chapter, "employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-025, filed 8/21/90, effective 9/21/90.]

WAC 392-126-030 Definition—District. As used in this chapter, "district" means a school district or an educational service district.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-030, filed 8/21/90, effective 9/21/90.]

WAC 392-126-035 Definition—Leave recipient. As used in this chapter, "leave recipient" means a current employee who has an approved application to receive shared leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-035, filed 8/21/90, effective 9/21/90.]

WAC 392-126-040 Definition—Leave donor. As used in this chapter, "leave donor" means an employee who has an approved written request for the transfer of annual leave, sick leave, or personal holiday to the shared leave program.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-040, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-040, filed 8/21/90, effective 9/21/90.]

WAC 392-126-045 Definition—Donated annual leave. As used in this chapter, "donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-045, filed 8/21/90, effective 9/21/90.]

WAC 392-126-050 Definition—Donated sick leave. As used in this chapter, "donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-050, filed 8/21/90, effective 9/21/90.]

WAC 392-126-053 Definition—Donated personal holiday. As used in this chapter, "donated personal holiday" means the amount of personal holiday donated by a leave donor under the shared leave program of an educational service district pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-053, filed 11/24/98, effective 12/25/98.]

WAC 392-126-055 Definition—Employee's relative. As used in this chapter, "employee's relative" means the leave recipient's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-055, filed 8/21/90, effective 9/21/90.]

WAC 392-126-060 Definitions—Household members. As used in this chapter, "household members" means those persons who reside in the same home as a family unit. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-060, filed 8/21/90, effective 9/21/90.]

WAC 392-126-065 Definition—Extraordinary or severe. As used in this chapter, "extraordinary or severe" means serious or extreme and/or life threatening.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-065, filed 8/21/90, effective 9/21/90.]

WAC 392-126-070 Permissibility of shared leave program. Pursuant to RCW 28A.400.380 districts may institute a shared leave program for employees. This chapter shall govern such programs.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-070, filed 8/21/90, effective 9/21/90.]

WAC 392-126-075 Eligibility. In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave under the following conditions:

1. The employee's job is one in which annual leave, sick leave, or personal holiday can be used and accrued.
2. The employee is not eligible for time loss compensation under chapter 51.32 RCW.
3. The employee has abided by district policies regarding the use of sick leave.
4. The employee has exhausted, or will exhaust, his or her annual leave, sick leave and personal holiday.
5. The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment
6. Leave sharing is limited to transfers from employees within the same employing district.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-075, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-075, filed 8/21/90, effective 9/21/90.]

WAC 392-126-080 Donation of annual leave. An employee may donate annual leave to specific individuals or pool using the following criteria:

1. The employee may donate any amount of accrued annual leave provided the donation does not cause the employee's annual leave balance to fall below ten days. For the purpose of this section, annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.
2. Employees may not donate excess annual leave that the donor would not be able to take because of an approaching date after which the annual leave cannot be used.
3. All donated annual leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-080, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-080, filed 8/21/90, effective 9/21/90.]

WAC 392-126-085 Donation of sick leave. An employee may donate sick leave to specific individuals or pool using the following criteria:

1. The employee must have accrued more than sixty days of sick leave.
2. Employees may not donate more than six days of sick leave during any twelve-month period.
3. Employees may not donate an amount of sick leave that will result in his or her sick leave account going below sixty days
4. All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-085, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-085, filed 8/21/90, effective 9/21/90.]

WAC 392-126-087 Donation of personal holiday. An educational service district employee may donate part or all of his or her personal holiday to specific individuals or pool.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-087, filed 11/24/98, effective 12/25/98.]

WAC 392-126-090 Maximum amount. The district shall determine the amount of shared leave a leave recipient may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one days of shared leave during total district employment. All forms of paid leave available for use by the recipient must be used prior to using shared leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-090, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-090, filed 8/21/90, effective 9/21/90.]

WAC 392-126-092 Repayment of shared leave used. An employee who uses leave that is transferred to him or her may not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-092, filed 11/24/98, effective 12/25/98.]

WAC 392-126-095 Documentation. The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-095, filed 8/21/90, effective 9/21/90.]

WAC 392-126-099 Calculation of shared leave benefit—Proration. Shared leave shall be calculated as follows:

1. The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.
2. In the alternative the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.
3. Regardless of which basis is used to calculate and account for shared leave, in the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of both annual and sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-099, filed 8/21/90, effective 9/21/90.]

WAC 392-126-104 Annual conversion of accumulated sick leave. The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136-015.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-104, filed 8/21/90, effective 9/21/90.]