

## **Tumwater School District Procedures**

### **SHARED LEAVE**

Per RCW 41.04.650 through 670, chapter 357-31 WAC, RCW 28A.400.380 and chapter 392-126 WAC, the State's shared leave program allows District employees to come to the aid of another District employee who is likely to take leave without pay or terminate his or her employment because:

- The employee 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;
- The employee has been called to service in the uniformed services;
- The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;
- The employee 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;
- A state of emergency has been declared anywhere within the United States by a 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 to volunteer services;
- The employee is a victim of domestic violence, sexual assault or stalking;
- The employee needs the time for parental leave;
- The employee is sick or temporarily disabled because of pregnancy disability.

The District shall comprise a shared leave committee that will review shared leave applications and supporting documentations for employee's applying for shared leave due to their own injury or illness or a household or family member's injury or illness. After reviewing the application and supporting documentation the committee will vote on whether the condition meets the definition of extraordinary and/or severe. The decision of approved or denied will be based on majority vote.

Shared leave requests for other reasons listed above will be reviewed and approved or denied by the Superintendent or his/her designee.

### **Shared Leave Requestor:**

The District shall require the employee requesting shared leave for an illness or injury to submit a shared leave application and a medical statement supporting the request. A licensed physician (or health care practitioner) should:

- Verify the severity or extraordinary nature of the condition
- Determine the expected duration of the condition

The District shall require an employee called to service in the uniformed services who is requesting shared leave to submit a shared leave application and a copy of the military orders verifying the employee's required absence.

The District shall require an employee who is victim of domestic violence, sexual assault or stalking to submit a shared leave application and supporting documentation. WAC 357-31-405 provides a list of acceptable documentation.

The District shall require an employee volunteering his or her services to either a governmental agency or a nonprofit organization to assist in disaster relief efforts in response to a declared Federal or State emergency or its aftermath to submit a shared leave application and proof of acceptance of the employee's services by the government agency or nonprofit organization.

The District shall require an employee who needs the time for parental leave to submit a shared leave application and a copy of the child's birth certificate or court documents.

The District shall require an employee who needs the time for a pregnancy disability to submit an application and a statement from a licensed physician (or health care practitioner) verifying the pregnancy disability of the employee.

### **Shared Leave Donators:**

A District employee may donate vacation leave if this does not cause their vacation leave balance to fall below eighty hours. For part-time employees, requirements for vacation leave balances are prorated.

A District employee may donate sick leave provided the donation does not cause their sick leave to fall below 176 hours after the transfer.

Donated leave will be donated on an hour to hour basis under the option in WAC 392-126-099(2).

The donating employee may request shared leave to be returned to them if the requesting employee does not need it or they can request to have their leave donated to the shared leave pool.

To donate leave an employee must complete a leave donation form and return to Human Resources.

### **Shared Leave Pool:**

A shared leave pool will be established. An employee may choose to donate to the shared leave pool at any time given they meet the hour threshold listed above. An employee may also choose to donate any unused donated, shared leave to the pool rather than receive it back.

Any employee who is approved to receive shared leave who does not receive enough leave to cover their unpaid absences will receive any shared leave pool hours available until the pool has been exhausted or the employee no longer needs the leave, whichever comes first.

### **Limitations:**

An employee more not receive more than 522 days of shared leave for the entire duration of state employment.

An employee may not receive more donated leave than is left in the employee's contract year. If an employee's leave continues into the following contract year, the employee may submit a second shared leave application and supporting documentation for review and approval.

An employee whose leave is not approved by the Board will not be eligible to receive shared leave.

### **When shared leave can be used:**

WAC 357-31-435 require employees to use all accrued leave before using shared leave. Note: Employees who qualify for shared leave for parental leave or temporary pregnancy disability can maintain up to 40 hours of leave in reserve. For service in the uniformed services, employees must use all paid military leave before using shared leave.

For work related illnesses or injuries, the employee must diligently pursue and be found to be ineligible for benefits under Chapter 51.32 to qualify for shared leave for medical purposes.

### **Definitions:**

- *Employee:* Any Tumwater School District employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.
- *Employee's Relative:* Employee's spouse, registered domestic partner, child, grandchild, grandparent, or parent.
- *Severe or Extraordinary Condition:* A serious or extreme and/or life threatening condition.
- *Service in the Uniformed Services:* 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.

- *Uniformed Services*: 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 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.
- *Domestic Violence*: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members (b) Sexual assault of one family or household member by another family or household member; (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.
- *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.
- *Pregnancy Disability*: A pregnancy-related medical condition or miscarriage

**IMPLEMENTED: November 26, 2018**