

# Shared Leave

## Personnel – Holidays and Leave

**EWU Policy 403-02**

**Effective: December 11, 2020**

**Authority: EWU Board of Trustees**

**Proponent: Vice President for Business & Finance**

**Purpose:** This policy describes the administrative procedures and eligibility requirements for leave sharing programs at Eastern Washington University. It includes requirements, eligibility, administration, and recordkeeping instructions for the standard shared leave program and the uniformed service shared leave program.

**History:** This revises a previous version of the policy dated June 28, 2018. It was adopted by the Board of Trustees (BOT) on December 11, 2020.

**Applicability:** This policy applies to eligible personnel employed by Eastern Washington University.

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## CHAPTER 1 – SHARED LEAVE

### 1-1. General

The Shared Leave Program is a state program that allows eligible employees to donate accrued leave to other eligible employees in specific circumstances of hardship or service.

### 1-2. Recipient Eligibility

EWU employees may receive donations of annual leave, sick leave, or all or part of a personal holiday from other benefit eligible state employees, subject to the following provisions:

a. **Eligibility:** EWU employees must meet all of the following eligibility requirements in order to receive donations of shared leave.

(1) The employee must be a benefit eligible, librarian, administrative-exempt or classified-staff employee.

(2) The employee must use all other leave balances as specified in section 1-2.d.

(3) The employee's absence and use of shared leave is justified.

(4) The employee must comply with the University's rules regarding sick and military leave.

(5) If the illness or injury is work-related, the employee must have diligently pursued and been found ineligible for workers' compensation benefits.

(6) The employee may not receive a total of more than five hundred twenty-two days of shared leave for the entire duration of state employment, except that, a supervisor may authorize leave in excess of five

hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because they are suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total. For this purpose, eight hours shall constitute a day.

(7) Recipients of shared leave must use all donated leave before they can take leave of absence without pay (LWOP) except as provided for in an applicable Collective Bargaining Agreement (CBA).

b. **Circumstances:** EWU employees may receive donations of shared leave under any of the following circumstances.

(1) **Personal Hardship:** The employee 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.

(2) **Emergency Service:** The employee has volunteered and been accepted into emergency volunteer service in response to a declaration of a state of emergency within the United States.

(3) **Armed Service:** The employee has been called to military service as defined in RCW 41.04.655.

(4) **Victim:** The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655 and EWU policy 403-05.

(5) Parental Leave: The employee needs the time 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. Parental leave must be used within sixteen (16) weeks immediately after birth or placement. If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen (16) weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth; or

(6) Pregnancy Disability: The employee is sick or temporarily disabled because of a pregnancy-related medical condition or miscarriage.

c. Need: Leave sharing programs are intended to assist employees whose circumstances are causing or are likely to cause a financial hardship for the employee. As such, otherwise eligible employees may only receive shared leave donations if their circumstances have caused, or are likely to cause, the employee to:

- (1) take leave of absence without pay, or
- (2) terminate their state employment, as determined by Human Resources.

d. Use of accrued leave: To be eligible for shared leave, the employee must have depleted, or will "shortly deplete" their applicable leave. "Shortly deplete" means that the employee will have forty (40) hours or less of the applicable leave types listed in this subsection. An employee who has 40 hours or less of the applicable leave remaining is not required to delete such leave to qualify for shared leave.

- (1) Annual leave, sick leave, and compensatory time reserves if they qualify under 'personal hardship' in subsection b.(1) of this section;
- (2) Annual leave and paid military leave allowed under RCW 38.40.060 if they qualify under 'armed service' in subsection b.(3) of this section; or
- (3) Annual leave if they qualify under 'emergency service' or 'victim' in subsections b.(2) or b.(4) of this section.
- (4) Annual leave or sick leave reserves if the employee qualifies under subsection b.(5) or (6) of this section.
- (5) An employee who is receiving time loss benefits in connection with a workers' compensation claim cannot receive greater than 25% of their base salary from the receipt of shared leave.

### 1-3. Required Documentation

The employee seeking to receive shared leave must provide the following documentation before being determined eligible for shared leave:

- a. Personal Hardship: the employee must submit a statement from a licensed health care provider verifying the severity or extraordinary nature of the condition and stating the expected duration of the condition.
- b. Emergency Service: the employee must submit proof of acceptance of the employee's services by the government agency or nonprofit organization.
- c. Armed Service: the employee must submit a copy of the military orders verifying the employee's required absence for military service.
- d. Victim: the employee must submit verification of one of the following types:
  - (1) A police report indicating the employee was a victim of domestic violence, sexual assault, or stalking;
  - (2) A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault, or stalking;
  - (3) Evidence from the court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault, or stalking;
  - (4) An employee's written statement that the employee is a victim of domestic violence, sexual assault, or stalking; or,
  - (5) Documentation that the employee is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: an advocate for victims of domestic violence, sexual assault or stalking; an attorney; a member of the clergy; or a medical or other professional.
- e. Parental Leave: the employee must submit proof of birth of their child or placement of a child for adoption or foster care.
- f. Pregnancy Disability: the employee must submit a statement from a licensed health care provider verifying the pregnancy disability and stating the expected duration of the condition.

### 1-4. Transfer Between Agencies

Shared leave may be donated to, or received from, employees of other state agencies, so long as such transfers are approved by the heads of both agencies.

## CHAPTER 2 – UNIFORMED SERVICE SHARED LEAVE

### 2-1. Employee Donation

EWU employees may donate or receive annual leave, sick leave, or all or part of a personal holiday to or from the Washington State Uniformed Service Shared Leave Pool which was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who has been called to service in the uniformed services. Donations are made to the uniformed service shared leave pool and cannot be directed to a specified employee. The Military Department, in consultation with the Department of Personnel and the Office of Financial Management, is responsible for administering the Uniformed Service Shared Leave Pool.

### 2-2. Recipient Eligibility

Any EWU employee who is called to service (voluntarily or involuntarily) in the armed services may be eligible to receive donated leave from the Uniformed Service Shared Leave Pool if the following criteria are met:

- a. The employee has depleted or will shortly deplete their paid military leave, compensatory time, annual leave and personal holiday;
- b. The employee has abided by Eastern Washington University rules regarding military leave; and
- c. The employee's monthly military salary is less than their state monthly salary (as defined by WAC 357-31-650 [4] and WAC 357-31-650 [5]). The employee may use up to eight hours per month from the pool to continue coverage under the Public Employee's Benefit Board regardless of the employee's monthly state salary and military salary.

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## CHAPTER 3 – DONATIONS OF SHARED LEAVE

### 3-1. Requirements

EWU employees may donate accrued leave under the programs described by this policy, subject to the following provisions:

- a. The donation of annual leave may not cause the donating employee's annual leave balance to fall below 80 hours at the time the donation is processed.
- b. The donation of sick leave may not cause the donating employee's sick leave balance to fall below 176 hours at the time the donation is processed.
- c. All or part of an employee's personal holiday may be donated; provided that any part of the personal holiday returned must be used in one absence.
- d. Donations must be in increments of one hour.

- e. A minimum donation of four hours is required.
- f. Classified employees may not donate excess annual leave hours that they would lose within thirty days of their leave maximum month.
- g. Administrative employees may not donate annual leave hours that would cause them to use and/or donate more than 60 days in a fiscal year.

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## CHAPTER 4 – PRESERVATION PROCESS

### 4-1. General Provisions

- a. Shared leave must be used in accordance with university leave policies and any applicable CBA.
- b. Converting Hours Donated to Hours Received. Employee donations are converted to a monetary value based on OFM regulations as identified by the OFM State Administrative and Accounting Manual (SAAM).
- c. Approved leave donations from one EWU employee to another, will cause a transfer of funds between the donor's department and the recipient's department of the monetary value of the leave transferred. Likewise, returns of unused shared leave will cause a transfer of funds between the recipient's department and the donor's department of the monetary value of the leave transferred.
- d. Unused shared leave will be returned to the donor(s) according to the provisions in SAAM. Unused shared leave may not be returned until one of the following occurs:
  - (1) Human Resource Services receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or,
  - (2) The employee is released to full-time employment; has not received additional medical treatment for their current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved
- e. If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, Human Resource Services must approve a new shared leave request for the employee.
- f. Leave donated to the Uniformed Service Shared Leave Pool cannot be rescinded or returned to the donating employee.

### 4-2. Records

The payroll office and Human Resource Services are responsible for maintaining shared leave records and for reporting shared leave activity to the Office of Financial Management, when requested. The payroll office will

report the fiscal information and Human Resource Services will report the number of requests received, number of requests granted and the nature of the requests. Shared leave balances are maintained separately from other leave balances.

#### **4-3. Alleged Abuse**

The Human Resource Services office and/or supervisor is responsible for investigating alleged abuse of uniform service shared leave and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received.

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## **APPENDIX A – PROCEDURES**

Revised: December 11, 2020

#### **A-1. Applying for Shared Leave**

The employee must submit a Shared Leave Application Form and provide verification of the condition/situation for which shared leave is being requested as described on the form.

If the employee is incapacitated, the employee's representative may complete the form for the employee.

The completed application form should be submitted to Human Resources for review and determination of approval.

The employee will be notified in writing of the decision.

Human Resources will notify the campus community of the employee's eligibility to receive shared leave if requested by the employee.

#### **A-2. Applying for Uniformed Service Shared Leave**

The employee, or power of attorney, must submit a Washington State Uniformed Service Shared Leave Pool-Recipient Form, a copy of their military orders of service, and provide military salary information verifying the employee's request.

The completed application form should be submitted to Human Resource Services for review and determination of approval.

The employee will be notified in writing of the decision and submission to the Military Department.

The employee must notify the military department of any changes to orders of service or military service and submit updated copies of earnings statements and orders of service when requested by the military department.

#### **A-3. Donations**

a. Shared Leave. Donations under the Shared Leave program shall be made by completing a Shared Leave Donation Form.

b. Donation Form. For donations of this type, the recipient of the shared leave must be specifically named.

c. Uniformed Service Shared Leave. Donations are made by completing a Washington State Uniformed Service Shared Leave Pool – Leave Donation Form.

d. Completed leave donation forms will be sent to Human Resource Services for review and processing.

#### **A-4. Forms**

Application and Donation forms are available through the Human Resource website at

<https://inside.ewu.edu/hr/forms/>.