

## LEAVE AND HOLIDAYS

- Policy Number:** HR-400
- Effective Date:** May 6, 2020
- Application:** Applies to all employees of the **Eastern Washington State Historical Society (EWSHS)**
- History:** This policy updates the previous version dated June 1, 2016. This replaces previous version HR Policy BP#114. The EWSHS Board of Trustees adopted final changes on May 6, 2020.
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### ARTICLE I Purpose

EWSHS will provide and administer a program for employee leaves of absence in a manner that will both serve the well-being of the staff and the organization as a whole.

### ARTICLE II Definitions

The following definitions are specific to the terms of this procedure and do not modify or reverse similar terms as used in related procedures.

- A. Compensatory Time: accrued by overtime eligible staff in lieu of pay for hours worked in excess of 40 hours a week that may be used subject to advance supervisory approval providing paid release from work for personal reasons. Compensatory Time Off (CTO) is the primary account balance for personal leave and must be exhausted prior to use of vacation, except in those instances where this requirement would result in loss of accumulated vacation leave.
- B. Emergency Health Condition: a sudden, generally unexpected occurrence or set of circumstances related to a person's health, which requires immediate action and is typically short-term in nature.
- C. Family Care Emergency: minor or dependent child care emergencies such as unexpected absence of regular care provider; unexpected closure of child's school or unexpected need to pick up child at school earlier than normal; and elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.
- D. Family Members: include parent, parent-in-law, sibling, spouse, registered domestic partner, grandparent, grandchild, minor/dependent child, and child. For the purpose of domestic violence, sexual assault, or stalking provisions within Title 357 WAC family member also includes a domestic partner as defined in RCW 26.60.020 or a person with whom the employee has a dating relationship as defined in RCW 26.50.010.
- E. Household Members: Persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. The term does not include persons sharing

the same house when the living style is primarily that of a dormitory or commune.

- F. Leave of Absence: a paid or unpaid approved absence from work for a specified period of time for medical, parental, or personal reasons.
- G. Leave Without Pay: unpaid approved absence which affects seniority.
- H. Parent: A biological, adoptive, de facto, or foster parent, step-parent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when they were a child is considered to have stood *in loco parentis* to the employee.

### **ARTICLE III PROCEDURE FOR USE OF LEAVE AND HOLIDAYS**

#### A. Vacation Leave

- 1. Vacation leave is an employee benefit, usage subject to advance supervisory approval providing paid release from work for personal reasons.
- 2. Accrual
  - a. Full-time employees accrue vacation leave monthly based on length of state service so long as the employee remains in pay status for 80 or more non-overtime hours for the month. See WAC 357-31-165 for accrual rates per month.
  - b. Part-time employees accrue a prorated amount of vacation leave that is proportionate to the number of hours in pay status per month.
- 3. Vacation Leave Use and Limitations of Use
  - a. Employees may use accrued vacation leave after completing six (6) months of continuous state service. Employees must submit a leave form prior to leave being taken, if possible. Employees may not use leave that is not yet accrued.
  - b. Upon supervisory approval, employees may use accrued vacation leave for any reason.
    - 1) A supervisor or manager must weigh the work unit's operational needs when considering approval of an employee's request for vacation leave. A supervisor or manager may deny a request for vacation leave if it interferes with the needs of the agency work unit.
    - 2) A supervisor or manager must approve an employee's request for use of vacation leave for the following:
      - a) As a result of the employee's serious health condition.
      - b) To care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious or emergency health condition.
      - c) To care for a minor or dependent child with a health condition that requires treatment or supervision.

- d) For parental leave as provided in WAC 357-31-460.
  - e) If the employee or the employee's family member, as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault or stalking, as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.
  - f) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.
- 4. Approval for the reasons listed in 3.b.2)a) through f) above may be subject to verification that the condition or circumstance exists.
  - 5. An employee's supervisor or manager may require medical certification for use of vacation leave in lieu of sick leave on a case-by-case basis.
  - 6. Vacation leave balances may not exceed 240 hours on the employee's annual anniversary date. An employee may be at risk of losing vacation hours over 240 on their anniversary date if the leave is not used. Exceptions to this maximum are described in WAC 357-31-215.
  - 7. Vacation Leave Disposition at Time of Termination of Employment
    - a. If an employee transfers from the EWSHS to another state agency, his or her vacation leave balance will transfer to the new agency.
    - b. If the employee has completed six continuous months of state service and separates from state service by reason of resignation with adequate notice, layoff, trial service reversion, separation, dismissal, retirement, or death, the employee is entitled to a lump sum payment of unused vacation leave. The payment is computed by using the formula published by the Office of Financial Management. No contributions are to be made to the Department of Retirement Systems for lump sum payment of excess vacation leave accumulated under the provisions of WAC 357-31-215(2), nor shall such payment be reported to the Department of Retirement Systems as compensation.

#### B. Sick Leave

- 1. Sick leave is an employee benefit, exercised subject to qualification, accrual and reporting, which provides paid release from work for reasons of personal illness or injury or illness/injury of family members (as set forth in this section). Sick leave may also be used for treatment and care related to the illness and/or injury.
- 2. Accrual
  - a. Full-time employees accrue eight (8) hours of sick leave per month throughout employment so long as the employee stays in pay status for 80 or more non-overtime hours for the month.

- b. Part-time employees accrue a prorated amount of sick leave that is proportionate to the number of hours in pay status per month.
3. Sick Leave Use and Limitations of Use
    - a. An employee needing to use sick leave should notify his or her immediate supervisor that he or she will be absent from work at least one hour prior to their scheduled work shift, when possible. Employees must complete a leave request form and submit it to the supervisor for approval. An employee is not entitled to use sick leave in advance of its accrual.
    - b. EWSHS must allow the use of accrued sick leave under the following conditions:
      - 1) An employee's mental or physical illness, disability, injury, or health condition that has incapacitated the employee from performing required duties; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or an employee's need for preventive medical care.
      - 2) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.
      - 3) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such reason.
      - 4) To allow an employee to provide care for a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care for a family member who needs preventive medical care.
      - 5) For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300 and 357-31-305.
      - 6) When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee or relatives of the employee's spouse/registered domestic partner who experience an illness or injury, not including situations covered by subsection 4) of this section.
        - a) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.
        - b) For purposes of this subsection, "relatives" is limited to spouse, registered domestic partner, child, grandchild, grandparent or parent.
      - 7) If the employee or the employee's family member, as defined in chapter [357-01 WAC](#), is a victim of domestic violence, sexual assault, or stalking as defined in RCW [49.76.020](#). An employer may require the request for leave under this section be supported by verification in accordance with WAC [357-31-730](#).
      - 8) In accordance with WAC [357-31-373](#), for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty,

before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

- 9) When an employee requests to use sick leave for the purpose of parental leave to bond with a newborn, adoptive or foster child for a period up to eighteen weeks. Sick leave for this purpose must be taken during the first year following the child's birth or placement.
- c. EWSHS may allow employees to use sick leave as soon as it is accrued for:
- 1) For condolence or bereavement.
  - 2) When an employee is unable to report to work due to inclement weather in accordance with the employer's policy on inclement weather as described in [WAC 357-31-255](#).
  - 3) To bond with a newborn, adoptive or foster child for a period beyond eighteen weeks as allowed in subsection b.9) of this section. Sick leave for this purpose must be taken during the first year following the child's birth or placement. The total amount of sick leave allowed to be used, beyond subsection b.9) of this section must be addressed in the employer's leave policy in accordance with WAC 357-31-100.
4. When a condition listed in subsection 3.b. of this section arises while the employee is on vacation leave, EWSHS may allow the employee to use accrued sick leave in place of vacation leave.
5. Sick Leave Disposition at Time of Termination of Employment
- a. Employees who separate from EWSHS due to retirement or death shall be compensated for unused accrued compensable sick leave at the rate of twenty-five percent (25%). Such compensation shall be based upon the employee's salary at the time of separation. Depending on the agency's vote to participate in a medical expense plan, retiring employees may have to apply sick leave cash out funds to a medical expense plan. For more information on medical expense plan provisions, refer to WAC 357-31-375 and the policy on Voluntary Employee's Beneficiary Association (VEBA) - Medical Expense Plan (MEP).
  - b. If an employee transfers from the EWSHS to another state agency, his or her sick leave balance will transfer to the new agency.
  - c. If the employee resigns from state government for reasons other than death or retirement, the former employee's sick leave balance is not paid out; however, the balance remains inactive for five years after the employee's separation. If the employee returns to state service within the five years, the employee's sick leave balance will be restored in full.
  - d. Non-compensable Sick Leave: There is an opportunity to "cash in" sick leave in excess of 480 hours each January at the rate of 25% of the employee's current salary. Once sick leave is cashed in, the hours are deducted from the employee's sick leave balance.

### C. Holidays

- A. The following are paid legal holidays, which are established by RCW 1.16.050:

- 1) The first day of January (New Year's Day).
- 2) The third Monday of January (Martin Luther King Day).
- 3) The third Monday of February (Presidents' Day).
- 4) The last Monday of May (Memorial Day).
- 5) The fourth day of July (Independence Day).
- 6) The first Monday in September (Labor Day).
- 7) The eleventh day of November (Veteran's Day).
- 8) The fourth Thursday of November (Thanksgiving Day).
- 9) The Friday immediately following Thanksgiving Day (Native American Heritage Day).
- 10) The twenty-fifth day of December (Christmas Day).
- 11) Personal holiday (one shift)
  - a) Employees are entitled to one paid personal holiday per calendar year if the employee is scheduled to be, or has been, continuously employed by the state of Washington for at least four months.
  - b) EWSHS must approve the use of a personal holiday so long as: (1) the employee is entitled to a personal holiday; (2) the employee has requested the personal holiday in accordance with the employer's leave procedures; and (3) the employee's absence does not interfere with the operational needs of the employer.
  - c) At any time, EWSHS must allow an employee to use part or all of the personal holiday for any of the following reasons:
    - 1) To care for a minor/dependent child with a health condition that requires treatment or supervision;
    - 2) To care for a spouse, registered domestic partner, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition;
    - 3) If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking as defined in RCW [49.76.020](#). An employer may require the request for leave under this section be supported by verification in accordance with WAC [357-31-730](#); or
    - 4) In accordance with WAC [357-31-373](#), for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

- d) The employee may choose the date for the personal holiday, subject to the supervisor's approval.
- e) Personal holidays must be used within the calendar year it is granted or it will be lost unless the employee requests the use of his or her personal holiday in accordance with the employer's leave procedures and the employer denies the request. The employee is then entitled to carry over the personal holiday to the next calendar year.

B. Unpaid holidays for reasons of faith or conscience

- 1) Employees are entitled to two unpaid holidays per calendar year for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization.
- 2) EWSHS must allow an employee to take his or her unpaid holidays on the specific days desired unless an employee's absence would impose an undue hardship on EWSHS or the employee. Undue hardship shall have the meaning established in WAC 82-56-020.
- 3) Employee seniority will not be impacted by absences authorized under this policy.
- 4) Each holiday taken under this policy must be taken as a whole day, i.e. the day may not be divided into hours and taken piecemeal.
- 5) Employees shall consult with their supervisors at least two-weeks in advance of any desired unpaid holiday unless the purpose of the unpaid holiday was not known until later. Employees shall request unpaid holidays, in writing, using the same procedure as is used for requesting leave without pay.

D. Leave Without Pay

a. EWSHS must grant leave without pay under the following conditions:

- 1) When an employee who is a volunteer firefighter is called to duty to respond to a fire, natural disaster, or medical emergency;
- 2) If the employee or the employee's family member, as defined in chapter [357-01](#) WAC, is a victim of domestic violence, sexual assault, or stalking as defined in RCW [49.76.020](#). An employer may require the request for leave under this section be supported by verification in accordance with WAC [357-31-730](#);
- 3) In accordance with WAC [357-31-373](#), for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment; or
- 4) When an employee requests a day off for a reason of faith or

conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization in accordance with WAC [357-31-052](#).

- b. Leave without pay may be allowed for any of the following reasons:
  - 1) For any reason, as long as the conditions for leave with pay are met.
  - 2) Educational leave.
  - 3) Leave for government service in the public interest.
  - 4) Military leave of absence as required by WAC 357-31-370.
  - 5) Parental leave as required by WAC 357-31-460.
  - 6) Family care emergencies as required by WAC 357-31-295.
  - 7) Bereavement or condolence.
  - 8) Absence due to inclement weather as provided by WAC 357-31-255.
  - 9) Serious health condition of an eligible employee's child, spouse, registered domestic partner, or parent as required by WAC 357-31-525.
  - 10) Leave taken voluntarily to reduce the effect of an employer's layoff.
  - 11) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability.
  - 12) Employees receiving time loss compensation.
- c. Leave without pay must be requested and, where practical, approved in advance by the immediate supervisor. Unapproved leave without pay may be cause for disciplinary action up to and including termination or automatic resignation.
- d. An employee's anniversary and seniority dates will be adjusted for any period of leave without pay which exceeds 15 consecutive calendar days. The adjustment made will be equal to the amount of time that the employee has taken as leave without pay.
- e. If an employee uses leave without pay for an entire work shift while serving a probationary period or trial service period, the probationary period or trial service period will be extended by one work day for each work shift of leave without pay.
- f. With the exception of the probationary period and the trial service period none of the above adjustments will be made in the following situations if the employee is on:
  - 1) Military leave of absence without pay as provided in WAC 357-31-370.
  - 2) Compensable work-related injury or illness leave.
  - 3) Government service leave not to exceed two (2) years and one (1) month.
  - 4) Educational leave, contingent upon successful completion of the coursework.
  - 5) Leave taken voluntarily to reduce the effect of an employer's layoff.
- g. The employee's supervisor or manager will consider operational needs to determine the length of time for which to approve an employee's leave of absence request without pay. The supervisor or manager may consult with the DES HR Consultant to ensure that rights granted to employees through other Federal regulations are honored.

E. Military Leave

- a. Employees must be granted military leave with pay not to exceed twenty-one working days during each year, beginning October 1st and ending the following September 30th, in order to report for required military duty, training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States, or to report for drills including those in the National Guard under Titles 10 and 32 U.S.C., or state active status.
- b. An employee may use vacation leave, compensatory time or exchange time, shared leave, and leave without pay to cover the period of active service or training beyond the 21 days.
- c. During a paid or unpaid military leave of absence, the employee's seniority date, anniversary date, unbroken service date, benefits and leave accruals will continue uninterrupted. During paid military leave, the employee must receive the normal base salary.
- d. Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.
- e. Upon return from active duty or training duty, military employees will be reinstated to the position which they held prior to active duty.

F. Shared Leave

- a. The purpose of the state leave sharing program is to enable state employees to come to the aid of another state employee who is likely to take leave without pay or terminate his or her employment because the employee:
  - 1) Suffers from, or has a family or household member suffering from, an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature.
  - 2) Has been called to service in the uniformed services.
  - 3) Is volunteering with a governmental agency or a nonprofit organization when a state of emergency has been declared within the United States.
  - 4) Is a victim of domestic violence, sexual assault or stalking as defined in RCW 41.04.655.
  - 5) 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.
  - 6) 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) Needs the time for parental leave as defined in WAC [357-31-395\(3\)](#)

- 8) Is sick or temporarily disabled because of a pregnancy disability as defined in WAC [357-31-395\(4\)](#).
- b. The employer may require that the request for shared leave be supported by documentation. See WAC 357-31-405 for acceptable forms of documentation.
- c. The employer determines the amount of leave, if any, which an employee may receive. However, an employee must not receive more than five hundred twenty-two (522) days of shared leave during total state employment. An employer may authorize leave in excess of five hundred twenty-two (522) days in extraordinary circumstances for an employee qualifying for shared leave because he or she is suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature.
- d. Non-permanent employees who are eligible to use accrued leave or a personal holiday may not use shared leave beyond the expected end date of the appointment.
- e. An employee using shared leave will experience no change in pay, status, benefits or leave accrual while out on shared leave.
- f. Employees who must be absent (using shared leave) during their probationary period or trial service period will have their probationary period or trial service period extended by the number of calendar days they are on shared leave, unless the leave is because the employee has been called to service in the uniformed services.
- g. Any shared leave not used by the recipient during each incident or occurrence will be returned to the donor(s). Unused shared leave may not be cashed out by a recipient.
- h. The requesting employee must complete a Shared Leave Request Form and follow the instructions for completion on the form. If the employee is not able to complete the form personally, the agency human resources representative or the DES Human Resources Consultant may complete the form on the requesting employee's behalf.
- i. Employees may donate vacation leave, sick leave, and personal holidays. Compensatory time or exchange time are not categories of leave that may be donated.
  - 1) Vacation leave - An employee's request to donate leave may not cause their vacation leave balance to fall below 80 hours after the transfer. For part-time employees, requirements for vacation leave balances are prorated.
  - 2) Sick leave - An employee's proposed donation of sick leave may not cause the employee's sick leave balance to fall below 176 hours after the transfer.
  - 3) Personal holiday - An employee may donate all or part of their personal holiday. (Any portion that is returned during the same calendar year to the donating employee may be used by the donating employee.)

#### G. Bereavement

An employee is entitled to up to three (3) days of paid bereavement leave for the death of a family member or household member (as defined in Article II). EWSHS may require verification. At the immediate supervisor's discretion, use of other paid leave and/or leave without pay may be used to extend the bereavement period.

#### H. Miscellaneous Leave

- a. Miscellaneous leave is time granted to cover a number of situations. Supervisors or managers may request verification prior to approving the use of leave in some cases. Reasons for taking miscellaneous leave include, but are not limited to the times when an employee must:
  - 1) Report for jury duty or serve on a jury.
  - 2) Respond to a subpoena on the agency's behalf.
  - 3) Respond to a subpoena for a legal proceeding unrelated to the personal or financial matters of the employee.
  - 4) Consult with the DES's Employee Assistance Program.
  - 5) Take a state examination or participate in an interview for a position with a state employer during work hours.
  - 6) Appear during working hours for a physical examination to determine physical fitness for military service.
- b. An employer may grant leave with pay for an employee to perform civil duties as a volunteer including but not limited to firefighting, search and rescue efforts or donating blood.
- c. Supervisors or managers may limit the number of times or hours that will be granted to an employee to participate in an interview or take an examination during scheduled work hours. In addition, supervisors or managers may deny an employee's request to participate in an interview or take an examination based upon operational necessity.
- d. In other cases, rather than denying a request, a supervisor or manager may require that an employee draw leave from their accrued compensatory time or exchange time, or vacation leave if the supervisor or manager has required verification and the employee has failed to provide the requested verification.

**References that apply to this policy**

RCW 41.04.340 (attendance incentive program)	RCW 38.40.060 (military leave for public employees)
RCW 1.16.050 (legal holidays)	RCW 41.04.650-665 (leave sharing program)
WAC 357-31-325 (leave with pay for miscellaneous absences)	WAC 357-31-100 (requirement for leave policy)
WAC 357-31-115-160 (sick leave), 357-31-375	WAC 357-31-165-225 (vacation leave)
WAC 357-31-230 (compensatory time)	WAC 357-31-250 (bereavement leave)
WAC 357-31-255 (inclement weather)	WAC 357-31-260-275 (suspended operations)
WAC 357-31-320 (civil duty leave)	WAC 357-31-055-095 (personal holiday)
WAC 357-31-327-357 (leave without pay)	WAC 357-31-360 (military leave)
WAC 357-31-380-455 (shared leave)	RCW 26.50 & 26.60
RCW 49.76	WAC 82.56.020