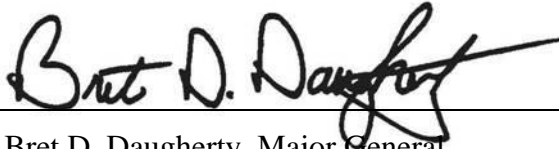




## Department Procedure No. HR-218a-10

<b>Subject:</b>	Leave
<b>Former Number:</b>	New
<b>Authorizing Source:</b>	<a href="#">Chapter 357-31 WAC, Holidays and Leave</a> <a href="#">Governor's Executive Order # 02-01</a> RCWs <a href="#">49.76</a> , <a href="#">49.77</a> <a href="#">WAC 296-135</a> <a href="#">WAC 296-128-660</a>
<b>Information Contact:</b>	Human Resources Division Director Building #20B (253) 512-7130
<b>Effective Date:</b>	July 15, 2010
<b>Mandatory Review Date:</b>	October 5, 2026
<b>Revised:</b>	October 5, 2022
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

The purpose of this procedure is to provide guidelines regarding requesting, authorizing, and processing leave in accordance with state laws and regulations.

### Applicability

This procedure applies to all state employees of the Washington Military Department (WMD). It does not apply to Washington National Guard members on state active duty, fulltime federal technicians or Active Guard Reservists, members of the Washington State Guard and/or traditional drilling National Guard members. For employees in represented positions, the applicable collective bargaining agreement ([WFSE](#) or [WPEA](#)) will supersede any conflicting provisions stated in this policy.

### Definitions

As identified throughout [Chapter 357-31 WAC](#).

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## Procedure

### GENERAL GUIDANCE

#### SUBMITTING LEAVE

MyPortal\* is the system the WMD utilizes to process leave. To access the system, follow the instructions found at: <https://ofm.wa.gov/it-systems/myportal/myportal-log-onsign-outpassword>

\* For employees who report to a Federal Supervisor, follow the instructions below utilizing the Leave Request form found here: <https://mil.wa.gov/asset/5eecf2320b0bb>

1. **Instructions for Leave Request form:**

- a. Enter personal data
- b. Select a leave type from the drop-down menu
- c. Enter the following: date leave starts; time leave starts; date leave ends; time leave ends; and the total amount of leave hours requested for the leave type selected
- d. Electronically sign and date

2. **Routing:**

- a. Email completed Leave Request form to supervisor or designee using the following subject line:  
LV- Last name, First name - date of the leave you are requesting  
Example: LV- Doe, Jane 2-13-15(date of leave request)
- b. Signed leave form routed to: [leave.slip@mil.wa.gov](mailto:leave.slip@mil.wa.gov)

#### HOW TO SUBMIT/CHANGE/DELETE LEAVE REQUESTS IN MYPORTAL

Follow the instructions found at: <https://ofm.wa.gov/it-systems/myportal/myportal-my-leave-requests>

[MyPortal - submit or display leave request](#)

[MyPortal - change leave request](#)

[MyPortal - delete leave request](#)

#### REQUESTING LEAVE

- Employees shall submit requests for leave using MyPortal or the Leave Request form. Leave requests should reflect the appropriate dates, amount of time and type of leave for the absence. Leave requests that impact multiple time reporting periods must be submitted in segments for each period unless the dates are consecutive.
- Leave requests are to be submitted in advance when the absence is foreseeable. If a leave request cannot be submitted prior to the absence (due to illness or other emergent need), the request should be submitted no later than the beginning of the first day that the employee returns to work.
- When advance notice cannot be given because of emergencies or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or their designee must notify their supervisor no later than the end of the first day of the related absence.
- When employee absences make them unable to submit a leave request by the processing deadlines, supervisors must submit the requests on behalf of the employee.
- Employees should ensure the appropriate type of leave is requested.

- An employee will not be authorized to use vacation leave if they would not have sufficient leave accrual to cover the absence at the time the leave would commence.
- An employee must promptly notify their supervisor on the first day of sick leave and each day after unless there is a mutual agreement to do otherwise. In addition to the general guidance provided in this section, employees should also review the leave-specific guidance provided in this procedure for the leave type they are requesting.

### **SUPERVISORY REVIEW, DETERMINATION AND NOTIFICATION**

1. When determining if leave can be approved, supervisors shall:
  - Review the leave request for completeness/accuracy, to include a general reason for leave usage as applicable based on leave type (i.e., sick, bereavement, etc.);
  - Ensure appropriate leave type is requested;
  - Review leave specific guidance from collective bargaining agreement (if applicable);
  - Review leave-specific guidance provided in this procedure;
  - Determine if sufficient leave as requested by employee is available;
  - Determine if negative business impacts associated with the leave request can be accommodated; and
  - Seek guidance from the supervisor's chain, Human Resources or Payroll staff as needed.
2. Supervisors may require that leave be taken when it least interferes with the operational needs and when discretion in approval is provided within the WACs.
3. Supervisors have a responsibility to approve or deny leave requests within the following timeframes:
  - Requests for leave, compensatory time, and/or personal holiday are to be approved or denied within seven (7) calendar days from the date the request was submitted to the approving supervisor.
  - Supervisors absent during the approval time frames are responsible to communicate a designee to staff who may approve or deny leave requests in their absence.
  - Requests submitted less than seven (7) calendar days before the effective date are to be approved or denied by the approving supervisor at least one workday prior to the requested day of leave.
4. Supervisors shall notify employees of their determination regarding leave requests by documenting the approval/denial on the leave request.
  - To approve or reject a leave request, follow the instructions found at: <https://ofm.wa.gov/it-systems/myportal/myportal-managing-employee-leave-requests-supervisormanager/myportal-approve-or-reject-employee-leave-request>

### **WITHDRAWAL OF PREVIOUSLY APPROVED LEAVE REQUESTS**

1. If unusual or extraordinary circumstances make it operationally necessary for employees to report to work, an employee's supervisor/manager may withdraw previously approved leave requests.
2. Division Director or designee approval is required when approved leave is withdrawn.
3. Employees will be notified in writing (for leave cancellations not related to emergencies/activation events) of the amount of leave impacted and the reasons for the withdrawal.
4. Employees will be permitted to use leave at the first mutually agreeable date following the withdrawal of leave.

## LEAVE TYPE SPECIFIC GUIDANCE

(Alphabetical by type of leave)

### BEREAVEMENT LEAVE

1. Bereavement leave requests will be processed in accordance with [WAC 357-31-250](#).
2. Employees may request up to three (3) days of paid bereavement leave due to a death of a family member ([WAC 357-01-172](#)) or household member ([WAC 357-01-182](#)).
  - Employees may request to use accrued additional paid leave to extend their bereavement absence.
  - In addition to paid bereavement leave, WMD may approve an employee's request to use compensatory time, sick leave, vacation leave, exchange time, their personal holiday or leave without pay for purposes of bereavement and in accordance with this policy.
3. Bereavement leave requests must include the relationship of the family member or household member. The Employer may require verification of the family member's or household member's death.

### DOMESTIC VIOLENCE LEAVE

1. Domestic Violence leave requests will be processed in accordance with [WAC 296-135](#).
2. An employee may request to use leave if they or their family member is a victim of domestic violence, sexual assault, or stalking as defined in [WAC 296-135-010](#).
3. An employee may take reasonable leave from work for the reasons specified in [WAC 296-135-020](#).
4. Per [WAC 296-135-040](#), the following types of leave may be taken as intermittent leave, leave on a reduced work schedule, or in a single block of time:
  - Unpaid leave; or
  - Paid leave, including sick leave and other paid time off; or
  - Compensatory time.
5. Advance notice must be given for foreseeable leave in accordance with [WAC 296-135-060](#).
6. If advance notice of the leave cannot be given because of emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give oral or written notice to the employer no later than the end of the first day that the employee takes such leave.
7. An employer may require verification from the employee regarding their need for leave. The employee may satisfy the verification requirements by providing the employer one or more documents as specified in [WAC 296-135-070](#).
8. Per [WAC 296-135-090](#), the employer and designated representatives shall maintain the confidentiality of all information provided by the employee.

### EDUCATIONAL LEAVE

1. In accordance with [WAC 357-31-330](#), educational leave without pay (LWOP) may be granted for employees to attend accredited educational institutions.
2. Eligible employees may request educational leave in accordance with the [Extended Absences section](#) of this procedure.
3. The following criteria will be considered when reviewing requests for educational leave:
  - Correlation between the course of study and the employee's career in the WMD;
  - Length of service with the WMD and state; and
  - Length of the employee's request for educational leave.

## **EXTENDED ABSENCES**

1. Extended absences are absences of thirty (30) calendar days or more. This includes the use of paid, unpaid or a combination of leave. Examples may include leave for education, sabbatical, citizen volunteer or community service, volunteer firefighting (non-emergency), and parental leave beyond FMLA or PFML entitlement. The following reasons for extended leave are exempted:
  - [Family Medical Leave](#) (reference: Family Medical Leave section)
  - [Paid Family Medical Leave](#) (reference: Paid Family Medical Leave section)
  - Family Military Leave
  - [Military Leave](#) (reference: Military Leave section)
  - [Shared Leave](#) (reference: Shared Leave section)
  - Compensable work-related injury or illness leave
  - Approved leave as a reasonable accommodation
2. Extended absence requests shall be processed in accordance with the type of leave requested.
3. In addition to submitting a leave request, employees shall also complete and submit the [Extended Absence Request Form](#) to their immediate supervisor/manager.
4. The request shall be reviewed, and approval/denial recommendations documented on the form, as indicated, in the following order:
  - Immediate supervisor/manager
  - The appropriate Division Director or designee
  - Human Resource Division Director
5. Upon determination of leave approval/denial, distribution is made as indicated at the bottom of the form.

## **FAMILY CARE LEAVE**

1. Family care leave requests will be processed in accordance with [WAC 357-31-295](#) and [WAC 357-31-300](#).
2. Supervisors may approve additional leave in excess of three (3) days for each leave category (vacation, sick, LWOP) on a case-by-case basis.

## **FAMILY MEDICAL LEAVE**

1. Requests for leave per the Family Medical Leave Act (FMLA) will be processed in accordance with [WAC 357-31-530](#) through 560 and the WMD's Protected State and Federal Medical Leave Policy (HR-222-10).

## **INCLEMENT WEATHER**

1. Leave for absences related to inclement weather will be processed in accordance with [WAC 357-31-260](#) and the WMD's [Inclement Weather Policy \(HR-220-10\)](#).

## **LEAVE WITHOUT PAY (LWOP)**

1. LWOP shall be processed in accordance with [WAC 357-31-330 through 345, 350 through 360](#).
2. Faith and Conscience LWOP requests shall be processed in accordance with [WAC 357-31-327](#).
3. Military Leave requests that include LWOP shall be processed in accordance with the [Military Leave section of this procedure](#).
4. LWOP must be submitted in advance unless there are documented extraordinary or extenuating

circumstances that provide justification for a late submission.

5. Requests for less than thirty (30) calendar days that include the use of LWOP days shall identify the amount of LWOP used in conjunction with any other qualifying paid leave. The following approval is required:
  - Immediate supervisors/managers shall review and approve/deny requests for up to fourteen (14) calendar days.
  - The appropriate Division Director shall review and approve/deny requests for fifteen (15) to thirty (30) calendar days.
6. Requests for leave in excess of thirty (30) calendar days that include the use of LWOP shall be processed in accordance with the Extended Absence portion of this procedure.
7. Employees may wish to coordinate with the Payroll Office to review their leave balance and option(s) to maintain benefits.

### **PAID FAMILY MEDICAL LEAVE (PFML)**

The PFML program is administered by the Employment Security Department in accordance with [RCW 50A](#) and [WAC 192](#). Paid Family Medical Leave is not the same as Family Medical Leave (FMLA), however both leaves can be used congruently.

Washington workers who need PFML leave for a serious health condition, to care for a family member, to welcome a new child into the employee's family or for a military-related event may apply for paid leave through the Employment Security Department (ESD) at [www.paidleave.wa.gov](http://www.paidleave.wa.gov). It is the employee's responsibility to apply for PFML.

### **PARENTAL LEAVE**

1. Parental Leave requests will be processed in accordance with [WAC 357-31-460 through 495](#) and the WMD's Family Medical and Leave Act Policy ([HR-222-10](#)).

#### **Foster Parent Shared Leave Pool**

1. The Foster Parent Shared Leave Pool was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who is a licensed foster parent so they may care for a foster child and/or prepare to accept a foster child in their home.
2. Information about the Foster Parent Shared Leave Pool can be found on Department of Children Youth and Families (DCYF) website at <https://dcyf.wa.gov/services/foster-parenting/fpslp>.
3. Requests to donate or receive leave from the Foster Parent Shared Leave Pool will be processed in accordance with WACs [357-31-835](#) through [920](#).

### **PERSONAL HOLIDAY**

1. Personal holidays shall be granted and used as described in [WAC 357-31-070](#).
2. Employees are responsible to monitor and use their personal holiday prior to the end of the year unless as described in [WAC 357-31-080](#).

### **MILITARY LEAVE / UNIFORMED SERVICES SHARED LEAVE**

#### **Military Leave**

1. Military leave requests will be processed in accordance with [WAC 357-31-360](#).
2. [RCW 38.40.060](#) provides service members up to 21 days of paid Military leave for required military duty, training, or drills including those in the National Guard under Title 10 U.S.C., Title 32 U.S.C., or state active



status. The leave does not carry over from year to year and is accrued on October 1st of every year.

3. Military leave shall be approved when employees are called to Military Duty during their normal work schedule with the WMD and they:
  - Request Military leave.
  - Provide verification of duty.
    - For Active Duty and Active Duty for Training - Provide a copy of their orders. Should be done in advance of duty dates.
    - For inactive duty training (i.e. drill weekends) - Provide orders if available. If not, provide written verification of attendance from Commander (or designee) signed after the drill has been completed.
4. Military leave should only be granted on days employees are scheduled to work.
5. Employees may use authorized LWOP in lieu of Military Leave for the purposes of military training.
6. Extended Military Duty absences, paid or unpaid, of more than thirty (30) consecutive calendar days requires the submission of the [Military Leave of Absence Request Form](#) prior to their absence (if possible).
7. Employees are encouraged to review the [Military Activation Information List](#).

#### **Uniformed Service Shared Leave Pool**

1. The Uniformed Service Shared Leave Pool (USSLP) was created so that state employees who are called to service in the uniformed services will be able to maintain a level of compensation and employee benefits consistent with the amount they would have received had they remained in active state service.
2. Information about the USSLP can be found on the WMD's website at <http://mil.wa.gov/uniformed-service-shared-leave-pool>.
3. Requests to donate or receive leave from the Uniformed Shared Leave Pool will be processed in accordance with [WAC 357-31-640 through 725](#) and the WMD's [Uniformed Services Shared Leave Policy \(HR-232-10\)](#).

#### **Veterans In-State Service Shared Leave Program**

1. The Veterans In-State Service Shared Leave Program (VISSLP) was created to allow state employees to voluntarily donate their leave to be used for a veteran attending medical appointments or treatments for a service-connected injury or disability; or for the employee who is a spouse of a veteran who requires assistance while attending medical appointments or treatments for a service-connected injury or disability.
2. Information about the VISSLP can be found at the Department of Veterans Affairs (DVA) website at <https://dva.wa.gov/veterans-their-families/veterans-benefits/veterans-state-service-shared-leave-program>.
3. Requests to donate or receive leave from the VISSLP will be processed in accordance with [WAC 357-31-775 through 357-31-830](#).

### **MISCELLANEOUS LEAVE**

#### **Jury Duty**

1. Leave for jury duty will be processed in accordance with [WAC 357-31-310](#).
2. Employees may be required to provide documentation or verification of jury service with their leave request.
3. Employees are allowed to keep any compensation they receive for serving as a member of a jury in addition to their regular pay.

#### **State Examinations and Interviews**

1. Miscellaneous leave will be processed in accordance with [WAC 357- 31-325](#).



- Leave for interviews and state examinations are limited to reasonable travel (to and from the event) and the time actually spent interviewing or testing.
- Requests to participate in interviews or take examinations during scheduled work hours may be denied based upon operational necessity.

#### **Absences related to Subpoenas**

1. Leave requests related for subpoenas will be processed in accordance with [WAC 357-31-320](#).
2. Employees must be granted leave of absence with pay for subpoenas when:
  - The employee has been subpoenaed on the employer's behalf; or
  - The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee.

#### **Blood/Organ Donations**

1. Paid leave for the sole purpose of participating in life-giving procedures is determined in accordance with [WAC 357-31-326](#) and [Executive Order 02-01](#).
  - Paid leave shall not exceed five (5) days in a two-year period.
  - Employees may request additional accrued paid leave or LWOP leave in excess of five (5) days if needed.
  - Employees may be required to provide written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.
2. "Life-giving procedures" are medically-supervised procedures involving the testing, sampling, or donation of blood, platelets, organs, fluids, tissues, and other human body components for the purposes of donation, without compensation, to a person or organization for medically necessary treatments.
3. Leave for life-giving procedures is generally limited to the time required to participate in life-giving procedures and any additional time that employees are under the care of physicians or other medical professionals.
4. Upon mutual agreement, employees may adjust their work schedules to participate in life giving procedures.

### **SHARED LEAVE**

#### **Recipient Information:**

#### **Applying to receive Shared Leave**

1. Employees may request shared leave for any of the criteria listed in [WAC 357-31-390](#).
2. Shared leave requests are to be submitted to the Human Resources Division Director or designee and shall include:
  - A completed [Shared Leave Request Form](#).
  - A [Shared Leave Medical Certificate](#) completed by a physician or health care provider. (If leave is for childbirth or bonding with a child, verification by the medical provider of the employee's estimated delivery date will replace this form.) Employees on shared leave will keep the Human Resources Office and/or their supervisor apprised of any issues impacting their return to work.
3. The requirement for a medical statement may be waived in unusual circumstances (such as a pandemic/disaster) where such a statement may not be available /possible due to medical staff shortage/reassignment of medical staff for life saving measures.
  - The amount of shared leave that may be granted without a medical statement is 350 hours.

- The Human Resource Division Director or designee has the authority to approve shared leave granted without a medical statement.

### **Shared Leave Approval Process**

1. The Human Resources Division Director or designee shall approve/disapprove the request and inform the supervisor and employee of the decision.
  - Documented leave and attendance issues may be grounds for denial of shared leave.
2. The Human Resources Division Director or designee shall notify the Payroll Office when employees are approved for shared leave and the corresponding timeframes.
3. Shared leave request documents are maintained in the Employees Occupational Health Record (EOHR) file.

### **Staff Notification of the need for Shared Leave Donations**

1. When employees are approved for shared leave, with their consent a message will be sent to all state staff via e-mail informing them of the recipient's need for shared leave and the process to donate leave.

### **Leave Donation Information**

1. Employees can donate leave to an employee approved for shared leave by:
  - Ensuring that they have sufficient leave balances to donate leave.
  - Submitting a completed [Shared Leave Donation Form](#) to the Payroll Office.
  - Keeping records of what leave was donated for future reference.
2. The Payroll Office will notify employees when leave donations are approved.
3. Payroll will process the leave transfers to the designated employee.
4. Shared Leave donations outside the agency are subject to approval of the Agency Director or designee.
5. If the shared leave donated is not used, it will be returned in accordance with [WAC 357-31-445](#).

## **SICK LEAVE**

Sick leave shall be granted for leave requests as described in [WAC 357-31-130](#) and [WAC 296-128-660](#).

### **Requesting Sick Leave**

The following notice is required for sick leave requests:

- Pre-scheduled qualifying absences. Advance notification is required for pre-scheduled appointments and other qualifying events. Employees shall complete and submit a leave request as soon as reasonably possible after scheduling the appointment or becoming aware of the qualifying event.
- Unscheduled qualifying absences. Employees shall notify their supervisor before the beginning of their work shift when they are unable to report to work due to a qualifying condition or event.
- Leaving during work shift for a qualifying condition or event. When employees must leave during the course of the workday for a qualifying reason or event, they shall attempt to notify their supervisor or other appropriate personnel (if supervisor is not available) and submit a completed leave request before leaving work.
- Illness during vacation leave. If an employee, while on vacation, suffers from an illness or qualifying condition, they may use accrued sick leave in place of vacation leave. Employees must submit a revised leave request to their supervisor with an explanation to change their original request. (For those using MyPortal, this can be documented in the notes section.)

### **Medical Certification and Verification**

In addition to employees' requests for protected leave (i.e., FMLA, PFML) or shared leave, a medical certification may be requested when:

- A personal illness or exposure to a contagious disease continues for more than three (3) consecutive workdays and prevents an employee from reporting to work; or
- Attendance at work would jeopardize the health of others; or
- To confirm the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.
- Medical verification may also be required when:
  - There is cause to suspect sick leave abuse (i.e., a pattern of absences demonstrated using unscheduled leave).
  - The employee develops a pattern of unscheduled leave resulting in leave without pay due to the exhaustion of accrued leave balances.
- Medical verification will be maintained by the HR Office in the Employee Occupational Health Record. The employer will treat all health information about an employee or an employee's family member in a confidential manner consistent with applicable laws and privacy policies.

#### **UNAUTHORIZED ABSENCE**

1. In accordance with WAC [357-31-105](#), an unauthorized absence will be treated as unauthorized LWOP.

#### **VACATION LEAVE**

##### **Vacation Leave Requests**

1. Requests for vacation leave shall be submitted in advance.
  - Employees are encouraged to provide sufficient notice to facilitate any associated work schedule requirements and the approval process.
  - Employees shall ensure that leave accruals are sufficient to cover the entire period that they are on leave. If accruals are not sufficient, this may result in LWOP for any portion of the absence in excess of their accruals. LWOP must be approved by the employer as outlined in [WAC 357-31-327](#).
2. Accrued vacation leave shall be granted for leave requests as described in [WAC 357-31-200](#).
  - Leave approval for the reasons listed in [WAC 357-31-200](#) is subject to verification that the condition or circumstance exists.
3. Employees requesting vacation leave in conjunction with Family Medical Leave Act (FMLA) should refer also to the Protected State and Federal Medical Leave Policy ([HR-222-10](#)).

#### **VACATION LEAVE ACCURAL EXTENSION / PERSONAL HOLIDAY CARRYOVER**

##### **Instances Vacation Leave can be Accumulated above 240 hours**

1. In accordance with [WAC 357-31-215](#) through [220](#), there are two instances where an employee's vacation leave may be accumulated above the maximum 240 hours at their anniversary date:
  - An employee's request for vacation leave is denied by the WMD, and the employee is close to the maximum vacation leave (240 hours), the WMD must grant an extension for each month that the WMD defers the employee's request for vacation leave. The WMD must maintain a statement of necessity for justifying the extension.
  - An employee may accumulate the vacation leave hours between the time the 240 hours is accrued and their next anniversary date of state employment. This leave must be used by the next anniversary date and

in accordance with this policy. If the leave is not used, the excess leave is automatically lost and considered to have never existed.

**Instance Personal Holiday can be carried over into the next Calendar Year**

1. In accordance with [WAC 357-31-080](#), if before the end of the calendar year the employee requests the use of their personal holiday and it is denied by their supervisor.

**How to Request Vacation Leave Accrual Deferral and/or Personal Holiday Carryover**

To request to a deferral of vacation leave and/or personal holiday, the employee will complete a [Request to Defer Excess Vacation Leave Accruals / Personal Holiday – Statement of Necessity form](#). **Please note:** Any leave accrued in excess of 240 hours as of the date of request cannot be deferred, regardless of circumstances. Employees may only defer future accruals.

**Vacation Leave Accrual Deferral / Personal Holiday Carryover Approval Process**

1. Completed form is routed through supervisor and Division Director to the Human Resource Division Director or designee for approval/denial.
2. The Human Resource Division Director or designee will review and approve/deny the request to ensure compliance with applicable WAC/Collective Bargaining Agreement.
  - a. Approved Request
    - HR notifies employee and Division Director of approval and deadline for utilizing the excess leave/personal holiday.
  - b. Denied Request
    - HR notifies employee and Division Director of reason for denial.