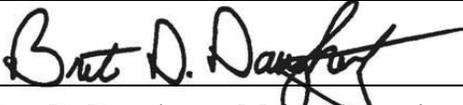




Department Procedure No. HR-218a-10

| | |
|-------------------------------|---|
| Subject: | Leave |
| Former Number: | New |
| Authorizing Source: | Chapter 357-31 WAC, Holidays and Leave Governor's Executive Order # 02-01 |
| Information Contact: | Human Resources Director Building # (253) 512-7940 |
| Effective Date: | July 15, 2010 |
| Mandatory Review Date: | July 12, 2020 |
| Revised: | July 12, 2016 |
| Approved By: |  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.

Scope

This procedure applies to all state employees of the Washington Military Department (WMD). It does not apply to guard members on state active duty or federal personnel to include Active Guard Reservists (AGRs), traditional guard personnel in federal military status or military technicians.

Definitions

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

TABLE OF CONTENTS

| General Guidance | |
|---|--|
| | Links to CBA |
| Union Represented Employees – refer to the applicable provisions of the Collective Bargaining Agreements (CBA), if not specified in CBA, the leave specific guidance in this procedure applies (Leave Policy HR-218a-10 Section A.1.b). | WFSE WPEA |
| | Page |
| Requesting Leave | 3 |
| How to fill out and submit a request for Leave | |
| How to submit changes and corrections to approved leave request forms. | |
| How to cancel a leave request | |
| Supervisor Review, Determination, and Notification | 4 |
| Changes and Corrections to Approved Leave Request Forms | 4 |
| Withdrawal of previously approved Leave Requests | 5 |
| Leave Specific Guidance | |
| Bereavement Leave | 5 |
| Educational Leave | 5 |
| Extended Absences (over 30 days) | 6 |
| Family Care Leave | 6 |
| Family Medical Leave | 6 |
| Inclement Weather | 7 |
| Leave Without Pay (LWOP) | 7 |
| Parental Leave | 7 |
| Personal Holiday | 7 |
| Military Leave | 8 |
| Miscellaneous Leave | 8 |
| Blood/Organ Donations | |
| Jury Duty | |
| State Exams and Interviews | |
| Subpoenas | |
| Shared Leave | 9 |
| Sick Leave | 10 |
| Suspension of Operations | 11 |
| Unauthorized Absence | 12 |
| Vacation Leave | 12 |

Procedure

GENERAL GUIDANCE

REQUESTING LEAVE

1. Employees shall submit completed [Leave Request Forms](#) to their supervisor to request approval to use leave (see [How to Fill Out and Submit a Request for Leave Below](#)). 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.
 - Advance notice is required for all non-emergent use of leave.
 - Leave balances should be reviewed to ensure adequate leave accruals are available to cover the requested absence. If adequate leave is not available, leave without pay (LWOP) may be requested.
 - Review Collective Bargaining Agreement and/or the Leave Type Specified Guidance provisions related to the leave requested.
 - Leave requests should be submitted as soon as employees are aware that they will need to be absent. If Leave Request Forms cannot be submitted prior to the absences (due to illness), requests should be submitted no later than the beginning of the first day that employees return to work.
 - When advance notice cannot be given because of emergencies or unforeseen circumstances due to domestic violence, sexual assault, or stalking, employees 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 leave request by the processing deadlines, supervisors must submit the requests on behalf of the employees.
 - Leave slips should identify the appropriate leave code for the type of leave requested.
 - Employees should identify the general reason for leave on the leave slip under the comments.
2. 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.

HOW TO FILL OUT AND SUBMIT A REQUEST FOR LEAVE

How to fill out your leave slip

- Employee opens up the leave slip form which can be found at <http://mil.wa.gov/uploads/pdf/policies/leaveforms/military-dept-leave-slip.docx> and completes the following:
 - Enter personal data
 - Select a leave type from the drop down menu
 - Enter the date leave starts; enter the time leave starts; enter the date leave ends; and enter the time leave ends. Enter the total amount of leave hours requested for the leave type selected.
 - Electronically signs and date
 - Save leave slip

Getting your leave approved

- Employee emails leave slip to their supervisor for approval 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)

HOW TO SUBMIT CHANGES AND CORRECTIONS TO APPROVED LEAVE REQUEST FORMS

- Employees makes revision to leave slip and emails to supervisor for approval using the following subject line:

REVISED LV- Last name, your First name-date of leave you are revising

Example: REVISED- LV-Doe, Jane 2/13/15

HOW TO CANCEL A LEAVE REQUEST

- Employee emails supervisor stating that they would like to cancel their leave request and the date of the request using the following subject line:

CANCEL- LV – Last name, your First name- date of leave you are cancelling

Example: CANCEL-LV- Doe, Jane 2/13/15

SUPERVISORY REVIEW, DETERMINATION AND NOTIFICATION

1. When determining if leave can be approved, supervisors shall:
 - Review the leave request form for completeness/accuracy;
 - 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 is available;
 - Consider the reason and/or circumstances related to the leave request;
 - 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.
 - Requests submitted less than seven (7) calendar days before the effective date are to be approved or denied at least one work day 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 slip and returning a copy to the requesting employee.
 - Approved leave. Supervisors sign and date the leave request form
 - Denied leave. Supervisors mark "leave not approved" box, sign and date the leave request form, and provide an explanation for the denial in the comments section.
5. Upon determination of leave approval/denial, Leave Request Forms are distributed as follows:
 - Approved leave.
 - Original: Supervisors or designees shall forward original leave requests forms to the Payroll office for system entry by e-mail at leave.slip@mil.wa.gov when leave is approved.
 - Copies: Supervisors shall provide copies of the leave request form to the requesting employee

- Denied leave.
 - Supervisors maintain the original and provide a copy to the requesting employee.

WITHDRAWAL OF PREVIOUSLY APPROVED LEAVE REQUESTS

1. If unusual or extraordinary circumstances make it operationally necessary for employees to report to work, supervisor/manager may withdraw previously approved leave requests.
2. EMT Member/Division Director or designee approval is required when approved leave is withdrawn.
3. Employees will be notified verbally and 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.
5. If leave withdrawals results “use or loss” leave accrual, leave will be carried over in an amount sufficient to enable employees to use the 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](#)) by completing a Leave Request Form.
3. If circumstances prevent employees from submitting the Leave Request Form, employees may make verbal requests. Supervisors shall ensure Leave Request Forms for bereavement leave are submitted in accordance with leave slip due dates when employees are not reasonably available.
4. Employees may request to use accrued additional paid leave to extend their bereavement absence for up to an additional seven (7) workdays.
 - Extensions will be considered on a case by case basis.
 - Extensions beyond seven (7) workdays require EMT Member/Division Director or designee review and approval.

EDUCATIONAL LEAVE

1. In accordance with [WAC 357-31-330](#), Education 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 education leave.
 - Correlation between the courses of study and the employees’ careers in the Department;
 - Length of service with the Department and state;
 - Length of the employees 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. The following reasons for leave are exempted:
 - [Family Medical Leave](#) (reference: Family Medical Leave section).
 - [Military Leave](#) (reference: Military Leave section).
 - [Shared Leave](#) (reference: Shared Leave section)
 - Compensable work-related injury or illness leave (reference: [The Workers Compensation Return to Work Policy #00-030-05](#)).
2. Extended absence requests shall be processed in accordance with the type of leave requested.
3. In addition to submitting Leave Request Forms, 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 EMT Member/Division Director
 - Human Resources Manager
 - Finance Director
5. The Adjutant General (TAG)/Division Director shall approve/deny the request.
6. 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. The following qualify as family care emergencies:
 - Minor/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.
 - Elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.
3. Employees should designate on their Leave Request Form (vacation, sick, LWOP or personal holiday) requested for each qualifying family emergency.
4. Supervisors may approve additional leave in excess of three (3) days for each leave category (vacation, sick, LWOP) on a case by case basis. Approval of excess family care leave and the corresponding reasons shall be documented on the Leave Request Form.

FAMILY MEDICAL LEAVE

1. Family Medical Leave Act (FMLA) requests will be processed in accordance with [WAC 357-31-530](#), through 560 and the Department's Family Medical and Leave Act Policy/Procedure ([# HR-222-10](#) and [HR-222a-10](#)).

INCLEMENT WEATHER

1. Leave for absences related to inclement weather will be processed in accordance with [WAC 357-31-260](#) and the Department'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 EMT Member/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 must coordinate with the Payroll Office to review their leave balance if they have concerns about the amount of leave required to cover an absence prior to submitting leave slips for LWOP.
8. Notify the Payroll Office immediately upon approval of leave requests that require LWOP.
9. LWOP for unscheduled and/or excessive absences should be tracked and appropriately addressed. The Employee Advisory Program's Performance Calendar is located on the DES website at <http://des.wa.gov/services/HRPayroll/eap/Resources/Pages/EAPPerformanceCalendars.aspx>

PARENTAL LEAVE

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

PERSONAL HOLIDAY

1. Personal holidays shall be granted as described in [WAC 357-31-070](#).
2. Employees are entitled to one (1) 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 (4) months. An employee who is scheduled to work less than six (6) continuous months over a period covering two (2) calendar years only receives one (1) personal holiday during this period.
3. Employee requests to use their personal holiday are processed as requests for leave.
4. Employees are responsible to monitor and use their personal holiday prior to the end of the year.
 - If before December 1st of the current calendar year, employees request the use of their personal holiday and the supervisor denies the request, the employee may submit a request to carry over their personal holiday in accordance to the leave extension section of this procedure which is located in the vacation leave section.

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 Department 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 fourteen (14) 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 Department'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 Department's [Uniformed Services Shared Leave Policy \(#HR-232-10\)](#).

MISCELLANEOUS LEAVE

Jury Duty

1. Leave for Jury Duty will be processed in accordance with [WAC 357-31-310](#).
2. Employees are required to provide documentation or verification of jury service with their leave slips.
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 must 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 in accordance with [WAC 357-31-390](#) through 465.
2. Shared leave requests are to be submitted to the Human Resources 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.
 - Leave Request Forms to cover the anticipated absence.
3. Employees on shared leave will keep the Human Resources Office and their Supervisors apprised of any issues impacting their return to work.
4. When shared leave requests expire, and employees need additional time off, they must submit a new request as if requesting for the first time.

Shared Leave Approval Process:

1. The Human Resources Director 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 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.

Returning from Shared Leave:

1. Employees preparing to return from shared leave shall inform the Human Resources Office and their supervisor of a date or expected date of return as soon as possible.
2. Prior to returning from shared leave, employees shall provide the Human Resources Director or Designee with a release document from their physician or health care provider.
 - If unable to return to work on a regular basis, statement must provide limitations/requirements.
 - The Human Resources Office and Supervisor will attempt to accommodate limited return to work requests when reasonable and qualifying work is available.
 - If limited duty is not available, employees may be required to delay their return until fully released for duty.

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 Human Resources Office.
 - Keeping records of what leave was donated for future reference.
2. The Human Resources 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 his designee.
5. If the shared leave donated is not used, it will be returned to the Donor.
6. Employees resigning/retiring from state service may not donate more sick leave than they could use themselves between the date of notice and effective date of resignation/retirement. There is no limitation on donation of Vacation Leave.

SICK LEAVE

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

Requesting Sick Leave

1. 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 form as soon as reasonably possible after scheduling the appointment or becoming aware of the qualifying event.
 - Unscheduled qualifying absences. Employees shall notify their supervisors 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 work day for a qualifying reason or event, they shall attempt to notify their supervisor or other appropriate personnel (if supervisor is not available) and submit completed Leave Request Form

before leaving work.

- Illness during vacation leave. If employees, 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 leave request to their supervisor with an explanation to change their original request.
3. When supervisors are not reasonably available, employees may leave telephone messages reporting absences, however, they should leave a phone number where they can be reached and follow up with their supervisor as soon as reasonably possible.
 4. Sick leave requests shall include a general reason for the sick leave.
 5. If employees do not have enough accrued sick leave to cover an absence, they may request vacation leave in lieu of sick leave or LWOP.

Medical Verification and Clearance

1. A medical verification or certification will normally be requested if personal illness or exposure to a contagious disease continues for more than five (5) consecutive work days and prevents an employee from reporting to work. The medical certification should be submitted to the employee's supervisor.
2. Medical verification or certification may also be required:
 - When there is cause to suspect sick leave abuse (i.e., a pattern demonstrated by the use of unscheduled leave). Employees will have an opportunity to explain the circumstances surrounding leave usage prior to being required to provide ongoing medical verification or certification.
 - To assist the Department in protecting the employee from returning to work too soon following an illness or injury.
 - To protect co-workers from contagious illness when attendance at work would jeopardize the health of others.
 - For Family Medical Leave purposes.
3. Ongoing medical verification or certification requirements will only be made after consultation with Human Resources.
4. Copies of medical verification shall be forwarded to the HR Office for inclusion in the Employee Occupational Health Record.

SUSPENSION OF OPERATIONS

1. Employee absences during suspended operations will be processed in accordance with [WAC 357-31-265](#) and [WAC 357-31-275](#).
2. Employees will be notified by the EMT Member/Division Director or designee of suspended operations.
3. When employees are at work and operations are suspended they shall be released from work and paid an amount equivalent to wages they would have earned had they completed the remainder of the work shift.
4. Leave and compensation will be administered during the closure at the sole discretion of TAG/Agency Director, or designee.
5. Employees who are not required to work during suspended operations:
 - Submit leave requests (vacation, personal holiday, LWOP, compensatory time) to account for the time lost due to the closure.
 - May request to telework in accordance with Department policy and the Continuity of Operations Plan.
 - May request an opportunity to make up work time lost as outlined in the WACs.

6. Employee requests to telework and/or make up time must be submitted in writing and provide sufficient detail for supervisors to make a determination.
7. Requests to telework and/or make up loss time will be reviewed and approved/denied utilizing the same general guidance outlined in the “Supervisory Review, Determination and Notification” section of this procedure.
 - TAG or designee approval is also required.
8. Determine if the Continuity of Operations Plan is applicable and follow provisions as appropriate.

UNAUTHORIZED ABSENCE

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

VACATION LEAVE

Vacation Leave Requests

1. Requests for routine 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.
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 FMLA Policy and Procedures (# HR-222-09 and HR-222a-09).

Extension of Leave Accruals/Personal Holiday Carry Over

1. Vacation leave. Request to carry over vacation leave balance beyond the 30 days (240 hours) maximum must be in accordance with [WAC 357-31-215](#) through 220.
2. Personal Holiday. Requests to carry over a Personal Holiday must be done in accordance with [WAC 357-31-080](#).
3. Employees shall submit requests to their supervisor in writing within the time frames outlined in the WACs.
4. Requests are reviewed and a recommendation is forwarded through the appropriate Chain of Command/Executive Team Member to the HR Director.
5. The Human Resources Director as the TAG designee shall make a determination and notify the employee and payroll of the decision.
6. Leave and Personal holidays may only be extended once. Employees shall ensure that they request and use their deferred leave and/or personal holiday within the timeframes permitted.