Administrative Policy No. 18.31.00

Subject:	Holidays and Leave
Information Contact:	Human Resources Division
Authorizing Source:	Chapter 41.06 RCW State Civil Service RCW 41.06.570 Paid leave for life giving procedures Title 357 WAC Civil Service Rules Chapter 357-31 WAC Holidays and Leave Chapter 357-28 WAC Compensation Chapter 357-40 WAC Discipline Chapter 357-46 WAC Layoff and Separation
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Approved By:	**Original approved by Wendy Long** Senior Director, Human Resources Division

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Purpose

This policy outlines the Department of Social and Health Services (DSHS) requirements for holidays and leave procedures supplementing chapter 357-31 WAC.

Scope

This policy applies to all DSHS classified employees not covered by a collective bargaining agreement. All provisions of this policy also apply to civil service exempt employees.

Additional Guidance

Administrative policies

- 09.16 emergency closures, delayed openings, and suspension of operations
- 18.26 disability reasonable accommodation
- 18.31.01 family medical leave act; paid family medical leave; and parental leave
- 18.31.02 shared leave and leave pools
- 18.40 discipline
- 18.67 workplace domestic violence/reasonable safety

- 18.85 breastfeeding in the workplace
- 18.87 modern and mobile workplace
- 18.88 infants at work program
- 18.90 workplace pregnancy accommodation
- 19.10 travel policies
- 19.25.06 time limitations on employee requested leave adjustments
- 19.25.09 shared leave
- 19.25.41 foster parent shared leave program
  DSHS 03-421 Leave request
  DSHS 03-519 Request to extend annual leave balance over 280-hour maximum

Definitions:

Classified employee*:* Employees in Washington general service and Washington management service that are subject to the provisions of Revised Code of Washington, chapter 41.06 RCW.

Domestic violence: As defined by RCW 7.105.010.

Exempt employee: An employee who is exempt from the civil service rules, title 357 WAC. DSHS exempt positions are those falling under RCW 41.06.070 and RCW 41.06.076.

Family care emergency*:* Minor and dependent child emergencies such as the unexpected absence of a regular care provider, unexpected closure of child's school, unexpected need to pick up child at school earlier than normal; or elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.

Family member:

1) Includes parent, stepparent, sibling, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, minor or dependent child, and child.
2) For purposes of domestic violence, sexual assault, or stalking, or hate crime provisions within title 357 WAC, in addition to subsection (1), family member also includes a registered domestic partner or a person with whom the employee has a dating relationship as defined in RCW 49.76.020.
3) For the purpose of using accrued sick leave under WAC 357-31-130, in addition to subsection (1), family member also includes any individual who also regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that depends on the employee for care.

   Family member does not include an individual who simply resides in the same home with no expectation that the employee cares for the individual.

Official duty station: Driven by the unique facility identifier (UFI), the official duty station represents the location of a position's assigned, permanent state facility worksite (if a state

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owned or leased facility), field assignment city/state, or home-based city/state. The employee's official duty station is assigned by the appointing authority.

Program's approved leave submittal method: Depending on the administration or program, the employee must submit their leave request using the DSHS 03-421 form or use the approved time and attendance reporting system (Leave Tracker or SILAS).

Registered domestic partner*:* Two adults who meet the requirements for a valid state registered domestic partnership under RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership by the secretary of state's office.

Sexual assault: As defined by RCW 70.125.030.

Stalking: As defined by RCW 9A.46.110.

Policy

A. Holidays

1. The days indicated under WAC 357-31-005 are designated as holidays.

2. Employees qualify for holiday compensation as provided in WAC 357-31-010.
    a. Per WAC 357-31-030, if the holiday falls on an employee's regularly scheduled day off, the employee must request an alternate day within the same pay period the holiday is observed. The employee must either:
        i. Designate the prior or following workday; or
        ii. Request an alternate workday to observe as the holiday.
            1. For example, but not all inclusive, if the holiday falls on the 30/31st of the month, the employee must observe the holiday between the 16-30/31 of that month.
    b. The supervisor must approve or deny the employee's request.

3. Employees may receive holiday premium pay as provided under WAC 357-28-200.

4. The provisions that apply to holidays for employees include WAC 357-31-005 through WAC 357-31-053.

B. Personal holiday

1. Employees are allowed to take a personal holiday as provided in WAC 357-31-055.

2. The other provisions that apply to personal holidays are found in WAC 357-31-060 through WAC 357-31-095.

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C. Requesting leave

1. Employees are expected to submit leave requests for both planned and unplanned leave.

2. Requests for planned leave must be submitted in advance using the program's approved leave submittal process and consistent with the program's leave notice requirements.

3. When advance notice cannot be given because of an emergency or unforeseen circumstances such as family care emergencies, domestic violence, sexual assault, or stalking, hate crime, or an extraordinary or severe illness or injury, the employee or the employee's designee must give notice to DSHS no later than the end of the first day that the employee takes such leave.

4. If an employee takes unplanned leave, the employee must submit a leave request immediately upon return to work. Failure to submit a leave request may result in unauthorized leave without pay, which may result in disciplinary action.

5. Employees must submit leave requests using one-tenth (1/10) of an hour increments.

6. Proof of a family emergency may be required to verify the need for the leave or that advanced notice was not possible. WAC 357-31-305.

D. Appointing authority or designee, including supervisor approval or denial of leave, and responsibilities

1. If the employee does not have sufficient leave to cover the absence, the appointing authority or designee, including their supervisor, must deny the leave request.

2. Employees are not entitled to use sick leave before it accrues. WAC 357-31-140.

3. Employees are not entitled to use vacation leave before it accrues. WAC 357-31-195.

4. When reviewing a request for vacation leave, consider the preferences of the employee, but also take into consideration the organization's business needs. WAC 357-31-205.

5. An appointing authority or designee, including a supervisor, may grant an employee's request to use vacation leave for religious observances. The organization's business needs may be considered.

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6. An appointing authority or designee, including the supervisor, may deny the use of compensatory time or vacation leave for sick leave purposes if the employee has documented attendance problems.

7. If an employee is absent at the end of the pay cycle, the appointing authority or designee, including supervisor, must submit a leave request on behalf of the employee for time and attendance processing.

8. If an employee's request for parental leave time off exceeds the provisions of WAC 357-31-525, the appointing authority or designee, including the supervisor, must respond in writing to the employee's request within 10 working days of the receipt of the request. If the leave is denied, the appointing authority or designee, including the supervisor must provide a rationale for supporting the operational necessity. WAC 357-31-485.

E. Unauthorized leave

Under WAC 357-31-105, an unauthorized absence will be treated as unauthorized leave without pay and may be grounds for separation (WAC 357-46-210), or discipline (See DSHS administrative policy 18.40 discipline and chapter 357-40 WAC.)

F. Sick and vacation leave accrual

1. See WAC 357-31-115 through WAC 357-31-125; and WAC 357-31-165 through WAC 357-31-180, which provide how sick and vacation leave are earned, accrued, and prorated.

2. Leave without pay does not affect the rate at which employees accrue vacation leave. WAC 357-31-180.

3. An employee may accumulate a maximum of 280 hours of vacation leave under WAC 357-31-200. There are two exceptions in which vacation leave may be accumulated above the 280 hours maximum under WAC 357-31-215.
    a. If DSHS denies an employee's request for vacation leave, and the employee is close to the maximum vacation leave (280 hours), DSHS must grant an extension for each month that DSHS defers the employee's request for vacation leave. DSHS must justify the extension with a statement of necessity using the DSHS 03-519 request to extend annual leave balance over 280 hours maximum. The DSHS 03-519 must be approved by the HRD senior director or designee. A statement of necessity can only defer leave that the employee has not accrued as of the date of the statement of necessity using

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the DSHS 03-519. Any accrued leave more than 280 hours as of the date of the statement of necessity cannot be deferred regardless of circumstances

b. Employees may accumulate vacation leave more than the maximum vacation leave (more than 280 hours) as follows:
    i. An employee may accumulate the vacation leave between the time 280 hours is accrued and their next anniversary date.
    ii. Leave accumulated above the maximum 280 hours must be used by the next anniversary date or is automatically lost and considered never to have existed.

G. When paid leave, compensatory time, or leave without pay must be approved

1. Unless otherwise stated accrued paid leave time **must** be approved:
    a. If the employee has a spouse or registered domestic partner who:
        i. Is a member of the Armed Forces of the United States that has been called to active duty; or
        ii. The military spouse or registered domestic partner is on leave from deployment; and
        iii. The conditions of WAC 357-31-373 apply.
    b. If an employee has been ordered to required military duty, training, drills, or required to appear for a physical exam under WAC 357-31-360.In addition to paid military leave, an employee must be granted a leave of absence without pay under the conditions in WAC 357-31-370.
    c. If an employee is unable to report to work due to a family care emergency under WAC 357-31-285(1). A family care emergency is defined under WAC 357-31-290
    d. For the miscellaneous reasons stated in WAC 357-31-325.
    e. For an employee to take a temporary leave of absence when an employee has been elected or appointed to a legislative office under WAC 357-31-374.
        i. The employee must provide the appointing authority or their designee, including their supervisor, at least 30 days prior notice for a regular session or as soon as a session is called for a special session.
        ii. The employee may use unpaid or accrued paid leave.
    f. If the conditions stated in WAC 357-31-200, (to care for themselves, a spouse, or child with a serious medical condition; they or a family member are a victim of domestic violence, etc.) are met, **vacation leave** must be approved.
    g. If the conditions stated in WAC 357-31-230 (to care for themselves, a spouse, or child with a serious medical condition; they or a family member are a victim of domestic violence, etc.) are met, **compensatory time** must be approved.
    h. If the conditions stated in WAC 357-31-327 (volunteer firefighter called to assist with a natural disaster, paid family medical leave (PFML) or family

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medical leave act (FMLA) leave, high risk employee seeks accommodation to protect themselves from risk of exposure to an infectious disease, etc.) are met, **leave without pay** must be approved.

i. If the conditions stated in WAC 357-31-447 are met, the secretary or appointing authority must approve **shared leave**.

j. If a permanent employee is sick or temporarily disabled because of pregnancy or childbirth:

i. A request to use sick leave must be granted.

ii. An employee may also use leave for the loss of a pregnancy as provided in WAC 357-31-248.

iii. An employee may also use bereavement leave as provided in WAC 357-31-250. Pregnancy disability leave, under the Pregnant Workers Fairness Act, is in addition to the up to 12 weeks of FMLA leave. See DSHS administrative policy 18.90 pregnancy workplace accommodation.

iv. The appointing authority or designee may require verification to support the request for parental or pregnancy leave if it does not result in an unreasonable burden or expense for the employee or violate the Pregnant Workers Fairness Act.

H. Allowable uses of leave

1. An employee is allowed to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim or has a family member as defined in chapter 357- 01 WAC, who is a victim of domestic violence, sexual assault, stalking, or hate crime as defined in RCW 49.76.020.

2. An employee who sustains a work-related injury or illness that is compensable under the workers' compensation law may choose to receive time-loss compensation exclusively, use accrued paid leave exclusively or combine time loss compensation and accrued paid leave. See WAC 357-31-235 and WAC 357-31-245.

3. DSHS may grant leave with pay for an employee to perform civil duties as a volunteer including but not limited to:
   a. Firefighting;
   b. Providing search and rescue efforts;
   c. Providing life-giving procedures, but not to exceed 30 days in a two-year period. See RCW 41.06.570 and WAC 357-31-325; and
   d. Donating blood or plasma, but not to exceed five days in a two-year period. WAC 357-31-326.

4. An employee is allowed to use paid vaccination leave to receive the COVID-19 vaccine or booster during their scheduled work shift/time at a non-DSHS workplace.

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The employee must work with their appointing authority or designee, including their supervisor, to coordinate and obtain approval for the paid vaccination leave. They may take a reasonable amount of leave with pay to travel and receive each dose of the COVID-19 immunization if the vaccine is not offered at their DSHS workplace.

5. A high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease is allowed to use their accrued leave if their appointing authority, designee, or supervisor determines no other accommodation is reasonable besides the use of leave. They may require that the employee's request be supported by verification or documentation.

I. Use of sick leave

1. For anticipated sick leave absences, such as medical appointments, the employee must submit a request for leave using the program's approved leave submittal process before the anticipated absence.
    a. If a request cannot be submitted prior to the absence, an employee must promptly notify their appointing authority, designee, or supervisor, on the first day of sick leave and each day thereafter, unless there is mutual agreement to do otherwise.
    b. Upon returning to work after using unanticipated sick leave, the employee must immediately submit a leave request. Failure to do so may result in disciplinary action.

3. An employee may use sick leave as part of their request for parental leave for up to 18 weeks during the first year after the child's birth or placement. WAC 357-31-133.

4. An employee on vacation leave may use accrued sick leave when a condition under WAC 357-31-130 arises while they are on approved vacation leave. If the employee wishes to use accrued sick leave to replace the vacation leave already approved, the employee must notify their appointing authority or designee using the standards under Section C of this policy.

5. An employee must be allowed to use sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or the employee's family member. WAC 357-31-130

6. An appointing authority or their designee, including their supervisor, may require an employee to provide verification that the sick leave was used for an authorized purpose for absences exceeding three days under WAC 296-128-660.
    a. The employees will have up to 10 days to provide the verification.
    b. The verification cannot require disclosure of the health condition.

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c. Providing verification cannot result in an unreasonable burden or expense for the employee.
d. Any health information that is provided will be treated as confidential.

7. If the employee has documented attendance problems, an appointing authority or designee may deny the use of compensatory time or vacation leave for sick leave purposes.

J. Bereavement leave

1. An employee may request up to five days bereavement leave if an employee's family member or household member dies. WAC 357-31-250.

2. In addition to paid bereavement leave, an employee may request to use paid leave or to take leave without pay for purposes of bereavement.

3. The appointing authority or designee, including the supervisor, may request that the employee provide verification of the family member or household member's death.

K. Inclement weather

1. When the secretary or designee determines inclement weather conditions exist, refer to DSHS administrative policy 09.16 emergency closures and suspension of operations. DSHS employees are responsible for arranging how they travel to and from work.

2. If a work location remains fully operational but an employee is unable to report to work or remain at work because of severe inclement weather or conditions caused by severe inclement weather, the employee's leave will be charged in the following order:
a. Any earned compensatory time or previously accumulated exchange time.
b. Any accrued vacation leave.
c. Any accrued sick leave, up to a maximum of three days in any calendar year.
d. Leave without pay.

3. The paid leave types are used in the order listed within subsection two of this section, and each type of paid leave is exhausted before using another type of leave. Employees are permitted to use leave without pay rather than vacation or sick leave.

4. Employees who report to work late due to conditions caused by severe inclement weather or natural disaster are allowed up to one hour of paid time.

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5. Employees at the special commitment center will be granted up to two hours of paid time for severe inclement weather.

6. When severe inclement weather prevents an employee in official travel status from returning to their official duty station or residence, the employee remains in official travel status. The employee must notify their supervisor of the inability to return from travel status. Travel costs are reimbursed per department DSHS and Office of Financial Management travel policies. See DSHS administrative policies chapter 19.10 regarding travel and reimbursement.

7. Appointing authorities have delegated authority to authorize reimbursement of costs for lodging and per diem for employees who are asked to remain close to their work site during severe inclement weather.

8. The local administrator or designee may allow employees to use options listed in the DSHS administrative policy 18.87 modern and mobile workplace during inclement weather.

L. Leave without pay

1. Leave without pay (LWOP) may be granted to an employee for the reasons stated in WAC 357-31-330. LWOP must be approved by the appointing authority or their designee.

2. Leave without pay must be approved for an employee on approved PFML who is not using paid leave as a supplemental benefit. During a public health emergency, a high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease must be allowed to use leave without pay if their appointing authority or designee determines no other accommodation is reasonable besides the use of leave in accordance with RCW 49.17.062;

3. Leave without pay is limited to 12 months in any consecutive five-year period, except for:
   a. Compensable work-related injury or illness.
   b. Educational leave.
   c. Government service.
   d. Military leave.
   e. Seasonal career employment leave.
   f. Approved leave under FMLA or PFML.
   g. Leave taken voluntarily to reduce the effect of a layoff.
   h. Leave authorized in advance by an appointing authority or designee, as part of a plan to reasonably accommodate a person with a disability.

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4. The appointing authority or designee may require verification supporting the request for leave without pay.

5. Leave without pay affects an employee's probationary and trial service period (WAC 357-31-355), step M (WAC 357-31-357), and seniority date (WAC 357-31-350 and WAC 357-46-055).

6. Employees returning from authorized leave without pay must be employed in the same position or a similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to layoff or reasonable accommodation. (See DSHS administrative policy 18.26 disability reasonable accommodation.) WAC 357-31-340.

M. Family care emergency leave

1. An employee must be allowed to take family care emergency leave to care for the employee's spouse, registered domestic partner, household member, or employee's/spouse's/registered domestic partner's minor or dependent child, parent, or grandparent. Leave may be authorized to care for other family members, including children over the age of 18 who are incapable of self-care. See WAC 357-31-285 through WAC 357-31-290.

2. Advance notice is not required for family care emergency leave. However, the employee must notify the appointing authority or designee at the beginning of the absence.

3. The employee is required to exhaust all accrued compensatory time and holiday time before using other types of leave. WAC 357-31-295. Each year, an employee may use up to three days for family care emergency leave using of any combination of vacation, sick, or leave without pay. An appointing authority or designee has discretion to authorize more than three days of leave in those categories. WAC 357-31-300.

4. The appointing authority or designee may require verification of the need to take family care emergency leave and the situation if advance notice was not possible. WAC 357-31-305.

N. Miscellaneous leave

1. The appointing authority or designee **must** grant a leave of absence with pay when an employee is required to report for **jury duty service**. The employee may be

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required to provide documentation or verification of jury service. Employees are allowed to keep any compensation they receive for serving as a member of a jury in addition to their regular pay.

2. The appointing authority or designee **must** grant a leave of absence with pay for an **employee to respond to a subpoena** when the employee has been subpoenaed to appear on behalf of DSHS; or the subpoena is for a legal proceeding that is unrelated to the personal or financial matters of the employee. WAC 357-31-320.

3. The appointing authority or designee **must** grant leave with pay under WAC 357-31-325 to allow an employee to receive an assessment from the **employee assistance program.**

4. The appointing authority or designee **must** grant leave under WAC 357-31-325 when an employee is **scheduled to participate in an interview for a position with a state employer** during scheduled work hours.
    a. Appointing authorities may limit the number of occurrences or the total amount of paid leave that is granted to an employee to participate in an interview during scheduled work hours.
    b. Appointing authorities may deny an employee's request to participate in an interview during scheduled work hours based upon operational necessity.

5. The appointing authority or designee **may** grant up to 24 hours per occurrence of leave with pay under WAC 357-31-326 to employees who are experiencing extraordinary or severe impacts of a wildfire disaster in the event the governor declares a state of emergency in any area of the state of Washington where the employee resides. The appointing authority or designee may require verification of the extraordinary or severe impacts regarding the use of leave with pay. In order to ensure continued essential services to the public, the appointing authority or designee may consider emergency operations requirements and/or program and staffing replacement requirements in the approval and scheduling of wildfire leave. Wildfire leave must be used within three months from the date the emergency was declared.

O. Reinstatement of leave

1. Former employees who are reemployed within five years of separation from state service will be restored unused sick leave credits to which they were entitled at the time of their separation from state service. DSHS does not restore sick leave credit for employees separated from state service beyond five years.

[1] Updates to include bereavement leave for loss of pregnancy, increase leave allowance up to five days, and add leave for severe impacts of wildfire disaster.
[2] Adding leave for victims of domestic violence, allows leave for victims of hate crimes under SSB 5101 and the attached rulemaking notice, effective January 1, 2026. HRD is also adding a minor clarification to

the inclement weather section that allows employees who report late to work due to severe inclement weather or natural disaster to take up to an hour of paid time. Finally, HRD is adding language consistent with ESHB 1875 and the attached rulemaking notice, both effective January 1, 2026, that allow an employee to use sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or the employee's family member.

[3] Added clarifying language to A.2. regarding observing holidays for employees with alternative work schedules.

[4] correct a discovered an error in AP 18.31.00 Section M.3.– Miscellaneous leave.

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