

Administrative Policy No. 18.31

Subject: Holidays and Leave

Applies to: All Department of Social and Health Services Employees not covered by a Collective Bargaining Agreement

Information Contact: DSHS Human Resources

Authorizing Sources: [RCW 41.06](#)
[WAC 357-31](#)
[WAC 357-28](#)
[WAC 357-40](#)
[WAC 357-46](#)

Effective Date: July 1, 2005

Revised: March 18, 2013 ⁱ Housekeeping 6/20/13 ⁱⁱ Housekeeping 11/18/13 ⁱⁱⁱ Housekeeping 11/19/18

Approved By: Original signed by Glen Christopherson
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Purpose:

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

Scope:

This policy applies to all DSHS classified employees not covered by a Collective Bargaining Agreement. Although exempt from WAC, all provisions of this policy apply to Exempt employees.

Definitions:

Classified Employee: Employees in Washington General Service and Washington Management Service that are subject to the provisions of Revised Code of Washington [41.06](#).

Covered Service Member: A member of the armed forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on a temporary disability retired list for a serious illness or injury.

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.

Domestic Violence: As defined by [RCW 26.50.010](#).

Eligible Employee: An employee who has worked for the state for at least twelve months and at least 1,250 hours during the previous twelve month period. Vacation and sick leave, personal holiday, compensatory time and/or shared leave are not counted towards the 1,250-hour eligibility requirement to designate leave under the Family Medical Leave Act (FMLA).

Family Care Emergency: Minor/dependent child emergencies such as 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 Members: Includes parent, step-parent, sister, brother, parent-in-law, spouse, grandparent, grandchild, minor/dependent child, and child. For purposes of domestic violence, sexual assault, or stalking, family member also includes a registered domestic partner or a person with whom the employee has a dating relationship.

Military Salary: The base, specialty, and other pay. Military Salary does not include allowances such as the basic allowance for housing.

Monthly Salary: The monthly salary and special pay and shift differential or monthly equivalent, for employees. Monthly salary does not include overtime pay, callback pay, standby pay, or performance bonuses.

Serious Illness Or Injury: An injury or illness incurred by a covered service member in the line of duty while on active duty that may render him/her medically unfit to perform the duties of the service member's office, grade, rank, or rating.

Service In The Uniformed Services: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, to include: active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty including state-ordered active duty, and a period when a person is absent for the purpose of an examination to determine the fitness of the person to perform any such duty.

Sexual Assault: As defined by [RCW 70.125.030](#).

Stalking: As defined by [RCW 9A.46.110](#).

Uniformed Services: The Armed Forces, Army National Guard, and Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the commissioned

corps of the public health service, the Coast Guard, and any other category designated by the President of the United States in time of war or national emergency.

Policy:

A. Requesting Leave

1. The employee requesting leave must submit a request to his or her supervisor/ designee, using the program area's approved request form and/or process.
2. If an employee takes unplanned leave, he or she 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.
3. When considering a request for vacation leave, the supervisor will consider the desires of the employee, but may require the leave to be taken at another time based on the business needs of the organization.
4. The supervisor will deny leave requests when the employee does not have sufficient leave to cover the absence.
5. Vacation leave for religious observances may be granted to the extent the organization's business needs permit.
6. Vacation and sick leave requests will be charged in one-tenth (1/10) of an hour increments.
7. If an employee is absent at the end of the pay cycle, the supervisor will submit a leave request on behalf of the employee for time and attendance processing.

B. Vacation Leave Accrual ([WAC 357-31-165](#), [WAC 357-31-175](#))

1. Full time employees accrue leave in accordance with ([WAC 357-31-165](#))

Part Time Employees accrue leave in accordance with [WAC 357-31-170](#).

2. Full-time general government employees who have taken leave without pay or subject to temporary layoff during the month will accrue leave in accordance with [WAC 357-31-175](#).

C. Vacation Leave ([WAC 357-31-175](#), [WAC 357-31-180](#), [WAC 357-31-190](#), [WAC 357-31-195](#), [WAC 357-31-200](#), [WAC 357-31-205](#), [WAC 357-31-210](#), [WAC 357-31-215](#), [WAC 357-31-220](#), [WAC 357-31-225](#))

1. An employee's request to use vacation leave must be approved under the following conditions ([WAC 357-31-200](#)):
 - 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 health condition or an emergency health condition.
 - c. To care for a minor/dependent child with a health condition that requires treatment or supervision.

- d. For Parental Leave as provided in [WAC 357-31-460](#).
- e. When 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](#).
- 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.

The Appointing Authority/Designee may require verification of the reasons for vacation leave for the conditions described above, in accordance with [WAC 357-31-730](#).

2. Requests for vacation leave must be submitted in advance with the exception of requests:
 - a. To respond to family care emergencies or emergency health condition as provided in [WAC 357-31-200](#).
 - b. When the employee is a victim or has a family member as defined in [Chapter 357-01](#), who is a victim of domestic violence, sexual assault, or stalking as defined in [RCW 49.76.020](#).

When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

3. When considering requests for vacation leave, the employer must consider the needs of the employee but may require that leave be taken when it will least interfere with the operational needs of the employer. ([WAC 357-31-205](#))
4. The maximum number of vacation leave hours an employee can accumulate is thirty working days (240 hours). There are two circumstances in which vacation leave may be accumulated above the maximum of thirty days (240 hours). ([WAC 357-31-215](#))
 - a. If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum vacation leave (240 hours), the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.
 - b. As an alternative, employees may also accumulate vacation leave in excess of two hundred forty hours as follows:
 - i. An employee may accumulate the vacation leave between the time thirty days is accrued and his or her next anniversary date. Leave accumulated above the 240 hours must be used by the next anniversary date.
 - ii. A statement of necessity, as described in subsection (1) of this section, can only defer leave that the employee has not accrued as of the date of the statement of necessity. Any accrued leave in excess of 240 hours as of

the date of the statement of necessity cannot be deferred regardless of circumstances.

Example:

On June 15th, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time.

- On June 15th, the employee's vacation leave balance is two hundred sixty hours.
- The employee accrues ten hours monthly.
- The employee's anniversary date is October 16th.

Because the employee will not be able to use leave from June 15th through December 15th the employee files a statement of necessity asking to defer the leave accrued during this time. This deferred leave will not be lost as long as the employee uses the deferred hours by their next anniversary date (October 16th of the following year).

The twenty hours of excess vacation leave the employee had on June 15th are not covered by the statement of necessity.

5. Requests for approval to accumulate leave in excess of 240 hours must be submitted by the Appointing Authority/Designee to the Senior Director of Human Resources and include the following ([WAC 357-31-220](#)):
 - a. The date on which the statement of necessity was authorized;
 - b. Justification for denial of the employee's leave request;
 - c. Date upon which the employee will resume leave usage;
 - d. The employee's total leave balance on his/her anniversary date;
 - e. The employee's accrual rate; and
 - f. The employee's leave balance at the time of the request.

D. Unauthorized Leave ([WAC 357-31-105](#))

1. Unauthorized absence will be treated as unauthorized leave without pay and may be grounds for separation ([WAC 357-46-210](#)), or discipline ([WAC 357-40](#)).

E. Sick Leave ([WAC 357-31-115](#), [WAC 357-31-120](#), [WAC 357-31-125](#), [WAC 357-31-130](#), [WAC 357-31-135](#), [WAC 357-31-140](#), [WAC 357-31-145](#), [WAC 357-31-150](#), [WAC 357-31-155](#), [WAC 357-31-160](#))

1. Sick leave may be used in the following circumstances:
 - a. Because of and during illness, disability, or injury that has incapacitated the employee from performing required duties.
 - b. The employee is exposed to a contagious disease and his or her presence at work would jeopardize the health of others.

- c. To care for a minor/dependent child with a health condition requiring treatment or supervision.
 - d. To care for a spouse, Secretary of State registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.
 - e. For family care emergencies such as minor or dependent child emergencies or elder care emergencies. ([WAC 357-31-290](#), [295](#), [300](#), and [305](#)).
 - f. For personal health care appointments.
 - g. For family members' health care appointments when the presence of the employee is required, if arranged in advance with the supervisor or designee.
 - h. When an employee is required to care for members of the employee's household or relatives of the employee/employee's spouse who experience an illness or injury.
 - i. Up to five days of accumulated sick leave must be approved for each occurrence. Additional days may be approved by the supervisor or designee.
 - ii. For purposes of this subsection, "relatives" is limited to spouse, registered domestic partner, child, grandchild, grandparent, or parent.
 - i. If the employee or a member of the employee's family is a victim of domestic violence, sexual assault, or stalking. The supervisor or designee may require verification. ([WAC 357-31-730](#))
 - j. The employee's spouse is a member of the Armed Forces of the United States, National Guard, or Reserves and:
 - i. The military spouse has been notified of an impending call or order to active duty.
 - ii. Before the military spouse is deployed.
 - iii. The military spouse is on leave from deployment.
2. The Appointing Authority/Designee may require medical verification of the reason for sick leave use.
 - a. An employee returning to work after any sick leave absence may be required to provide written certification from his or her health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.
 - b. If sick leave abuse is suspected, the Appointing Authority/Designee may require a written medical certificate for any sick leave absence.
 3. For anticipated absences, such as medical appointments, the employee must submit a request for leave using the program's approved form or process before the anticipated absence.
 - a. If a request cannot be submitted prior to the absence, an employee must promptly notify his or her 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 unauthorized leave without pay and may result in disciplinary action.

4. If the employee is on vacation leave the Appointing Authority/Designee may allow the employee to use accrued sick leave in place of vacation leave if one or more of the factors listed in C.1., above occurs.
5. An employee may be denied the use of compensatory time or vacation leave for sick leave purposes if the employee has documented attendance problems.

F. Bereavement Leave ([WAC 357-31-250](#))

1. If an employee's family or household member dies, he/she is authorized to use up to three days of bereavement leave for condolence and/or bereavement.
2. If additional leave is required beyond the three days of paid bereavement leave, the Appointing Authority/Designee may allow the employee to use accrued compensatory time, sick leave, vacation leave, personal holiday, or leave without pay.
3. The Appointing Authority/Designee may require verification of the request for bereavement leave.

G. Military Leave ([WAC 357-31-360](#), [WAC 357-31-370](#), [WAC 357-31-373](#))

1. 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 Title 10 U.S.C., or state active status. The employee is charged military leave only for the days that they are scheduled to work.
 - a. Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.
 - b. During paid military leave, the employee must receive the normal base salary.
 - c. 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.

Employees who are not yet in the military may use paid miscellaneous leave for this purpose. Employees who are already in the military may use paid military leave as described in this section. An employee who is currently in the military may use paid miscellaneous leave for this purpose if they do not have paid military leave available.

H. Inclement Weather ([WAC 357-31-255](#))

1. When the DSHS Secretary/Designee determines inclement weather conditions exist, refer to [DSHS Administrative Policy 09.16 Emergency Closures and Suspension of Operations-](#).
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 (3) days in any calendar year.
 - d. Leave without pay.
3. Although the types of paid leave will be used in the order listed above, and each type of paid leave will be exhausted before the next is used, at their request, employees will be permitted to use leave without pay rather than vacation or sick leave.

I. Leave Without Pay ([WAC 357-31-327](#), [WAC 357-31-330](#), [WAC 357-31-335](#), [WAC 357-31-340](#))

1. Leave without pay will be limited to twelve 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. Leave for a serious health condition taken under the provision of the Family And Medical Leave Act (FMLA)
 - g. Leave taken voluntarily to reduce the effect of a layoff
 - h. Leave authorized in advance by an Appointing Authority/Designee as part of a plan to reasonably accommodate a person of disability
2. The Appointing Authority/Designee may require verification supporting the request for leave without pay.
3. Leave without pay, in excess of 15 consecutive workdays, affects an employee's probationary and trial service period ([WAC 357-31-355](#)), anniversary date, unbroken service date, periodic increment date, and seniority date. ([WAC 357-31-345](#) and [347](#))
4. Leave without pay must be granted for ([WAC 357-31-327](#)):
 - a. An employee who is a volunteer firefighter called to duty to respond to a fire, natural disaster, or medical emergency.
 - b. An employee or the employee's family member who is a victim of domestic violence, sexual assault, or stalking.
 - c. 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.

5. Leave without pay may also be granted for:
 - a. Any reason leave with pay may be granted when the conditions for leave with pay are met.
 - b. Educational leave.
 - c. Leave for government service in the public interest.
 - d. Military leave of absence.
 - e. Parental leave.
 - f. Family care emergency.
 - g. Bereavement or condolence.
 - h. Absence due to inclement weather.
 - i. Serious health condition of an eligible employee's child, spouse, registered domestic partner, or parent.
 - j. Leave taken voluntarily to reduce the effect of an employer's layoff.
 - k. Leave that is authorized in advance by the Appointing Authority/Designee as part of a plan to reasonably accommodate a person of disability.
 - l. Employees receiving time loss compensation.
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 the return to employment does not conflict with layoff rules.

J. Miscellaneous Paid Leave

1. Jury Duty ([WAC 357-31-315](#))

- a. An employee must be granted a leave of absence with pay when required to report for jury duty service. The Appointing Authority/Designee may require documentation or verification of jury service.
- b. Employees are allowed to keep any compensation they receive for serving as a member of a jury in addition to their regular pay.
- c. DSHS must grant a leave of absence with pay for the employee to respond to a subpoena when:
 - i. The employee has been subpoenaed on the employer's behalf; or
 - ii. The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee.

2. Exam Interview/Civil Duty ([WAC 357-31-325](#), [WAC 357-31-326](#))

- a. Leave with pay must be granted to an employee:
 - i. To allow an employee to receive assessment from the employee assistance program; or
 - ii. When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours; or

- iii. When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.
- b. Appointing Authority may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.
- c. Appointing Authority may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.
- d. DSHS may grant leave with pay for an employee to perform civil duties as a volunteer including but not limited to fire fighting, search and rescue efforts, or donating blood.

K. Shared Leave ([WAC 357-31-380](#), [WAC 357-31-390](#), [WAC 357-31-395](#), [WAC 357-31-400](#))

- 1. An employee may be eligible to receive shared leave if the DSHS Secretary/Designee has determined the employee meets the following criteria:
 - a. The employee:
 - i. Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition that is extraordinary or severe nature.
 - ii. Has been called to service in the uniformed services.
 - iii. Has the needed skills to assist in responding to a state of emergency declared anywhere within the United States by the federal or any state government or its aftermath, and volunteers his or her services to either a governmental agency or a nonprofit organization engaged in humanitarian relief in the devastated area. The governmental agency or nonprofit organization accepts the employee's offer of volunteer services.
 - iv. Is a victim of domestic violence, sexual assault, or stalking.
 - b. The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequences of domestic violence, sexual assault, or stalking has caused, or is likely to cause the employee to either:
 - i. Go on leave without pay status
 - ii. Terminate state employment.
 - c. The employee's absence and the use of shared leave are justified.
 - d. The employee has depleted or will shortly deplete his or her compensatory time, personal holiday, accrued vacation leave, and accrued sick leave. ([WAC 357-31-435](#))
- 2. The employee has abided by DSHS rules regarding:
 - a. Sick leave use
 - b. Military service
 - c. If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for Industrial Insurance benefits under [RCW 51.32](#) and the employee qualifies under G.1.a. of this section.

3. The Appointing Authority/Designee determines the amount of leave, if any, that an employee may receive. However, an employee must not receive more than 522 days of shared leave during total state employment. The DSHS Secretary/Designee may authorize leave in excess of 522 days in extraordinary circumstances for an employee qualifying for shared leave because they are suffering from illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature. A nonpermanent employee who is eligible to use accrued leave or a personal holiday may not use shared leave beyond the expected end date of the appointment.
4. The Appointing Authority/Designee is encouraged to consider other methods of accommodating the employee's needs; such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.
5. Employees may be required to submit documentation in order to receive approval. The Appointing Authority/Designee may require the following types of documentation based on the purpose of the shared leave.
 - a. Employees seeking shared leave under WAC [357-31-390](#) (1)(a), the Appointing Authority/Designee will require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition before the employer approves or disapproves the request. **Exception:** During a pandemic, the Appointing Authority/Designee may waive the requirement for a medical certificate.
 - b. Employees seeking shared leave under WAC [357-31-390](#) (1)(b), the Appointing Authority will require the employee to submit a copy of the military orders verifying the employee's required absence before the employer approves or disapproves the request.
 - c. Employees seeking shared leave under WAC [357-31-390](#) (1)(c), the Appointing Authority will require proof of acceptance of an employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency.
 - d. Employees seeking shared leave under WAC [357-31-390](#) (1)(d), the Appointing Authority/Designee may require that the request be supported by documentation. An employee may satisfy the verification requirement by providing the employer with one or more of the following:
 - i. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking;
 - ii. A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault, or stalking;
 - iii. Evidence from the court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault, or stalking;
 - iv. An employee's written statement that the employee is a victim of domestic violence, sexual assault, or stalking; or
 - v. Documentation that the employee is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the

employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional.

6. An employee may donate leave to employees in other agencies, institutions of higher education, or related higher education boards with approval from heads of both agencies. ([WAC 357-31-410](#))
7. An employee using shared leave continues to be classified as a state employee. If he or she is on shared leave during their probationary or trial service period, the review period is extended by the number of calendar days on shared leave. ([WAC-31-440](#))

L. Family Care Emergency Leave ([WAC 357-31-285](#), [WAC 357-31-290](#), [WAC 357-31-295](#), [WAC 357-31-300](#), [WAC 357-31-305](#))

1. Leave under this section must be authorized for a family care emergency to care for the employee's spouse, registered domestic partner, household member, or employee's/spouse's/registered domestic partner's minor dependent child, parent or grandparent.

May be authorized to care for others including, child over the age of 18 who is capable of self care.

2. Advance notice is not required for Family Care Emergency Leave; however, the employee must notify the supervisor at the beginning of the absence.
3. The Appointing Authority/Designee may require the employee to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

Each calendar year an employee is allowed to use up to three workdays of the following leave types for qualifying family care emergencies ([WAC 357-31-295](#)):

- a. Compensatory time.
- b. Vacation leave.*
- c. Sick leave in accordance with [WAC 357-31-130](#).*
- d. Leave without pay.*
- e. Personal holiday.

*The Appointing Authority/Designee **may** grant additional leave in excess of three days for each category of leave. ([WAC 357-31-300](#))

M. Parental Leave ([WAC 357-31-465](#), [WAC 357-31-470](#), [WAC 357-31-475](#), [WAC 357-31-480](#), [WAC 357-31-485](#), [WAC 357-31-490](#), [WAC 357-31-495](#))

1. Parental leave is only available to permanent employees or employees who have worked for the state for at least twelve months and worked 1250 hours during the previous twelve-month period.
2. Employees must be granted parental leave for purposes of:
 - a. The birth and care of a newborn child of the employee.
 - b. Placement of a minor or dependent child with the employee for adoption or foster care.
 - c. Bonding with a newborn child, or a minor or dependent child during adoption or foster care placement.
3. Parental leave must be taken during the first year following the child's birth or placement of the minor or dependent child with the employee for adoption or foster care.
4. The employee must submit a written request for parental leave with not less than thirty days' notice, except when a child's birth or placement requires leave with less notice. In that circumstance, the employee must provide notice as soon as possible.
5. A request for parental leave request must be granted to the employee for the purpose of bonding with his or her natural newborn, adoptive, or foster child during the first year after the child's birth or placement:
 - a. Parental leave may extend up to six months, including time covered by the FMLA.
 - b. Leave beyond the period covered by the FMLA may only be denied due to the organization's business needs.
6. If the employee's parental leave request exceeds the twelve weeks allowed under FMLA, the Appointing Authority/Designee must respond to the employee, in writing, within ten working days of receiving the request. If the leave is denied, reasons supporting the organization's business needs must be provided to the employee.
7. If a permanent employee is sick or temporarily disabled because of pregnancy and/or childbirth:
 - a. A request to use sick leave must be granted.
 - b. Pregnancy disability leave, under Washington's Family Care Act, will be in addition to the twelve weeks of FMLA leave
8. Disability leave due to pregnancy and/or childbirth may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave without pay, at the discretion of the employee.
9. The Appointing Authority/Designee may require verification to support the request for leave.
10. Arrangements must be made available to an employee who is a nursing mother for a child one year old or less. Arrangements include, but are not limited to:

- a. Reasonable unpaid breaks to express milk.
- b. A worksite location to express milk that is free from intrusion and shielded from public view that is not in a restroom.
- c. The employee and Appointing Authority/Designee will discuss and define “reasonable” breaks, based on the needs of the employee and organization.

N. Family and Medical Leave Act of 1993 (FMLA) ([WAC 357-31-525](#), [WAC 357-31-530](#), [WAC 357-31-535](#), [WAC 357-31-540](#))

1. Benefits provided through state laws and civil service rules must not be diminished or withheld when complying with FMLA.
2. An eligible employee must be granted up to, but not over, twelve work weeks of absence during a twelve-month period for one or more of the following:
 - a. The employee has a serious health condition.
 - b. The employee cares for a parent, spouse, minor or dependent child who has a serious health condition.
 - c. The birth of, and to provide care to, the employee's newborn, adopted, or foster child. ([WAC 357-31-460](#)).
 - d. Due to a qualifying exigency (as described in the Family and Medical Leave Act of 1993 and its amendments (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825) arising from the fact that the employee's spouse, child of any age, or parent is on active duty or has been notified of pending call to active duty in the armed forces in support of a contingency operation.
 - i. This subsection only applies if the spouse, child, or parent of the employee is a member of the National Guard or Reserves, and certain retired members of the regular armed forces and retired reserves. This section does not apply if the spouse, child, or parent of the employee is a member of the regular armed forces on active duty.
 - ii. This section only applies to federal calls to active duty.
3. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled up to a maximum of twenty-six work weeks of leave during a twelve-month period to care for the service member who is suffering from a serious illness or injury arising from injuries incurred in the line of duty. The leave described in this paragraph shall only be available during a single twelve-month period.
 - a. For purposes of this section, "next of kin" with respect to an individual means the nearest blood relative of that individual other than the individual's spouse, parent, or child in the following order of priority:
 - i. Blood relatives who have been granted legal custody of the service member;
 - ii. Siblings;
 - iii. Grandparents;
 - iv. Aunts and uncles;
 - v. Cousins;

- vi. The service member can designate another blood relative as the "nearest blood relative" and that designation takes precedent over the above list.
 - b. For purposes of this section, "covered service member" is a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list for a serious illness or injury.
 - c. For purposes of this section, "serious illness or injury" means an injury or illness incurred by the covered service member in the line of duty while on active duty in the armed forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.
4. The Appointing Authority/Designee designates absences that meet the FMLA criteria. Paid or unpaid leave used for that designated absence must be counted towards the twelve weeks of leave taken under FMLA.
 - a. The use of any paid or unpaid leave for a FMLA-qualifying event will run concurrently with, not in addition to, the use of the FMLA for that event. Leave for a work-related illness or injury covered by workers' compensation or assault benefits and compensatory time is excluded from the twelve week limit.
 - b. The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay must be in accordance with civil service rules.
5. An employee must be granted an intermittent or reduced schedule at the employee's request when medically necessary for one or more of the following reasons:
 - a. The employee has a serious health condition.
 - b. The employee cares for a parent, spouse, registered domestic partner, or minor or dependent child who has a serious health condition.
 - c. The employee is the spouse, registered domestic partner, son, daughter, parent of a child of any age, or next of kin of a covered service member who is suffering from a serious illness or injury arising from injuries incurred in the line of duty.
6. An employee returning from an absence designated as FMLA must be returned to the same or equivalent position held prior to the absence.

Existing employer-paid health insurance benefits must continue to be paid by the department during an eligible employee's paid or unpaid leave granted under FMLA.

O. Washington Family Leave ([WAC 357-31-520](#))

1. Benefits provided through state laws and civil service rules must not be diminished or withheld in complying with the FMLA.

Washington's family leave law (chapter [49.78 RCW](#)) generally is similar to and runs concurrently with the Federal FMLA for those provisions outlined in [WAC 357-31-525](#) (1)(a) through (c) but also allows leave to be taken for the care of an employee's

registered domestic partner with a serious health condition. However, Washington's family leave law does not address exigency leave, described in WAC [357-31-525](#) (1)(d), or leave for a covered service member, described in WAC [357-31-525](#)(2). Therefore, an employer is not required to provide exigency leave or leave for a covered service member for a registered domestic partner.

2. Because the FMLA does not recognize registered domestic partners, an absence to care for an employee's registered domestic partner is not counted towards the twelve weeks of the FMLA entitlement described in WAC [357-31-525](#). For example:

If an employee uses twelve weeks of leave to care for their registered domestic partner during a twelve-month period, and no other FMLA leave was used, the employee is still entitled to his or her full twelve-week FMLA entitlement during the same twelve-month period, as the leave used was provided for a purpose not covered by FMLA; however, if an employee uses twelve weeks of leave to care for their parent or for another FMLA qualifying reason, then during that same twelve-month period the employer would not be required to provide additional leave under Washington's family leave law to care for the employee's registered domestic partner because the twelve-week entitlement under FMLA and Washington's family leave law has been exhausted.

P. Uniformed Service Shared Leave Pool ([WAC 357-31-660](#))

1. The uniformed service shared leave pool is established to maintain a level of compensation and employee benefits consistent with the amount they would have received had they remained in active state service.
 - a. Participation by eligible employees to receive shared leave is voluntary.
 - b. Employees may voluntarily donate their leave to be used by an employee who has been called to the uniform services.
2. [Guidelines for Implementing the Uniformed Service Shared Leave Pool](#) is available for additional information and directions.

ⁱ Updated to coincide with WAC 357-31-175

ⁱⁱ Removed Temporary Salary Reduction

ⁱⁱⁱ Updated to coincide with [WAC 357-31-175 and remove reference to AP 18.32 Inclement Weather](#)