

OLYMPIC ESD 114 ADMINISTRATIVE PROCEDURE LEAVE SHARING

5406P

Definitions

1. Shared leave - donated leave converted to hours at the donee's rate of pay.
2. Relative - the employee's spouse, registered domestic partner, child, grandchild, parent, grandparent, sibling, or other close relative by blood or marriage.
3. Household members - those persons who reside in the same home as a family unit, including foster children and legal wards even if they do not live in the household.
4. Extraordinary or severe - serious or extreme and/or life threatening

Eligibility to Request Shared Leave:

The OESD may permit an employee to receive shared leave, as determined by the Human Resources Department, if any of the following circumstances has caused, or is likely to cause, the employee to take a leave without pay or terminate his or her employment:

1. The employee suffers from, or has a relative or household member suffering from; injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;
2. The employee has been called to service in the uniformed services;
3. A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services;
4. The employee is a victim of domestic violence, sexual assault, or stalking; or
5. The employee needs the time for parental leave.
6. The employee is sick or temporarily disabled because of pregnancy disability.

In addition to qualifying under one of the circumstances listed above, the employee must also meet all the following criteria:

1. The employee's job is one in which vacation and/or sick leave can be used or accrued,
2. The employee has depleted, or will shortly deplete, his/her annual/vacation leave and sick leave reserves (employees requesting shared leave due to parental leave or pregnancy disability may maintain up to 40 hours of annual and 40 hours of sick leave in reserve),
3. The employee has abided by OESD procedures regarding sick and annual/vacation leave use,
4. The employee's absence and the use of shared leave are justified;
5. The employee has diligently pursued and been found to be ineligible to receive time loss compensation under 51.32 RCW; and
6. The employee's absence and the use of shared leave are supported by documentation.

Shared Leave Request Process:

Shared leave requires prior approval. Any employee who wishes to receive shared leave must submit a completed sick leave sharing request form to the Human Resources Department containing the following information:

1. The specific condition or circumstance requiring the employee to be on leave,
2. The estimated duration of the condition or circumstance requiring the leave,

3. A statement that the employee has depleted, or will shortly deplete, his/her annual/vacation leave and sick leave reserves,
4. A statement confirming that the employee is ineligible to receive time loss compensation, and
5. A statement that the employee will need to take leave without pay or terminate his/her employment if he/she does not receive donated leave.

The Human Resources Department will require the employee or his/her legal representative to submit, prior to approval or disapproval, a completed physician/health care practitioner verification form verifying the condition or circumstance requiring the leave and expected duration of the condition or circumstance. If request is for one of the other eligible reasons above, the employee will be required to submit documentation verifying the condition or circumstance requiring the leave and expected duration of the condition or circumstance.

Once the employee meets the requirements to be eligible, an email will be sent to all staff requesting donated leave for the employee named in the email.

If the recipient continues to need shared leave after a 12-month period, a new request for shared leave must be submitted.

The final decision to approve or not approve shared leave will be made by the OESD Human Resources Director, in consultation with the employee's supervisor and Assistant Superintendent.

DONATION OF LEAVE:

Leave sharing is to be on a strictly voluntary basis. OESD employees may donate leave as follows:

Donation of annual/vacation leave: Employees may donate annual/vacation leave if this does not cause their annual/vacation leave balance to fall below ten (10) days after the transfer.

Donation of sick leave: Employees may donate any amount of sick leave provided the donation does not cause their sick leave balances to fall below twenty-two (22) days after the transfer.

Transfers of leave shall not exceed the requested amount.

An employee cannot receive a total of more than 522 days of leave. Exceptions to this limit must be approved by the OESD Superintendent in extraordinary circumstances.

The value of leave donated will be based upon the leave value of the person receiving the leave; therefore, leave shall be calculated on a day-donated and day-received basis.

While an employee is on leave transferred under this procedure, he or she will continue to receive the same salary and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

UNUSED SHARED LEAVE:

Shared leave will be considered ended and unused leave returned to the donor(s) when any one of the following events occurs:

1. When the OESD Human Resources Director determines (i.e. receives a statement from the employee's doctor indicating the cause of the leave is resolved; the employee is released to full-time employment; the employee has not received medical treatment for his/her current conditions in six months) the leave is no longer needed or will not be needed at a future time in connection with the same basis of the request; or
2. When the recipient voluntarily stops using the shared leave and instructs the reversion of the remaining shared leave balance; or
3. When the recipient is unable to use the remaining shared leave (i.e. the employee terminates employment).

To the extent administratively feasible, leave transferred by more than one employee shall be returned on a pro-rata basis based on the original donated value and returned at its original donor value and reinstated to each donor's vacation or sick leave balance.

If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, a new shared leave request must be submitted for approval.

ADDITIONAL CRITERIA

An employee has the option to request leave donations for the same medical condition one additional time when donated leave from the first request is used and the need continues.

While an employee is on leave transferred under this policy and procedure, he or she shall continue to be classified as an OESD employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

RENUMBERED: from 3421 January 21, 2016