

1.0 PURPOSE

1.1 The purpose of the shared leave program is to permit eligible employees, at no significantly increased cost to the state of providing annual leave, sick leave, or personal holidays, to come to the aid of another eligible employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition; to help fellow employees who are sick or temporarily disabled because of pregnancy disability or for the purpose of parental leave to bond with the employee's newborn, adoptive, or foster child; a fellow state employee who is a victim of domestic violence, sexual assault, or stalking; or a fellow state employee who has been called to service in the uniformed services, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

2.0 SCOPE/ELIGIBILITY

2.1 A BBCB employee may be eligible to receive shared leave if the College has determined the employee meets the following criteria and it has been determined the employee has depleted or will shortly deplete all his or her compensatory time, vacation, sick leave, and personal holiday resources:

- The employee suffers from, or has a relative or household member suffering from an illness, injury, impairment, or physical or mental condition which is of a severe or extraordinary nature;
- The employee is sick or temporarily disabled because of pregnancy disability or for the purpose of parental leave to bond with the employee's newborn, adoptive, or foster child.
- The employee has been called to service in the uniformed services;
- 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 to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;
- The employee is a victim of domestic violence, sexual assault, or stalking.

NOTE: An employee is not eligible to receive shared leave for illness or injury if the employee is approved for time loss compensation from the Washington State Department of Labor and Industries.

3.0 DEFINITIONS

3.1 For the purposes of the Shared Leave Program, the following definitions apply:

Domestic violence – (a) Physical harm bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

Donated leave – The dollar value of the leave hours a donor donates through the Shared Leave Program.

Employee – any employee who is entitled to accrue sick leave or vacation and for whom accurate leave records are maintained.

Employee's Relative – normally must be limited to the employee's spouse, registered domestic partner, child, grandchild, grandparent, or parent.

Household member – Persons who reside in the same house who have reciprocal duties to and do provide financial support for one another. The term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.

Parental Leave – leave to bond and care for a newborn child after birth or to bond an care for a child after placement for adoption or foster care, for a period of up to sixteen weeks after the birth or placement.

Pregnancy Disability – pregnancy-related medical condition or miscarriage.

Severe or Extraordinary Condition – a condition defined as serious or extreme and/or life threatening.

Service in the uniformed services – the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes 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 for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such active duty.

Sexual assault – has the same meaning as set forth in RCW 70.125.030.

Shared leave – The donated leave converted to hours by Big Bend Community College at the recipient's rate of pay. This may be more or less than the literal hours donated depending on the donor's rate of pay.

Stalking – the same meaning as set forth in RCW 9A.46.110.

4.0 PROCESS

4.1 REQUEST TO RECEIVE SHARED LEAVE

Employees who believe they meet the eligibility requirements outlined in section 3001.3 may request shared leave by submitting the following documentation to the Human Resources Office:

- A shared leave request form, available on the BBCC Portal or the HR Office.
- Appropriate documentation for the reason you are requesting shared leave as follows:
 - A completed medical leave request form for the employee's own severe, extraordinary, or life-threatening illness or injury or that of their relative or household member. This form is available through the HR Office.
 - A copy of current military orders for active duty service in a uniformed service.
 - A complete medical leave request form, birth certificate, post-partum discharge orders, adoption certificate and/or decree, or paperwork from a foster care agency.
 - For service as an emergency worker; a copy of the proof of having volunteered to provide services for a governmental agency or a non-profit organization engaged in humanitarian relief in an area of the United States where a state of emergency has been declared, **and** proof that a governmental agency or nonprofit organization has accepted the employee's offer of service.
 - For victims of domestic violence, sexual assault, or stalking; one or more of the following:
 - A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
 - A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault, or stalking.
 - 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 where the employee is the victim.
 - An employee's written statement that the employee is a victim of domestic violence, sexual assault, or stalking.
 - Documentation that the employee is a victim of domestic violence, sexual assault, or stalking from any of the following persons 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.

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- A member of the clergy.
 - A medical or other professional qualified to render an opinion in this manner.

Requests for shared leave will not be forwarded to the Appointing Authority or designee until all required documentation has been received in the HR Office.

3001.5 APPROVAL OF SHARED LEAVE REQUEST

The Appointing Authority or designee may consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex time, or special assignment in lieu of share leave usage.

The Appointing Authority or designee shall determine the amount of shared leave, if any, which an employee may receive under this program. However, an employee shall not receive more than 522 days of shared leave for the entire duration of state employment. For the purposes of this procedure eight (8) hours shall constitute a day unless otherwise required by statute, regulations, or employment contract. Leave may be transferred from employees of BBCC to an employee of BBCC or, with the approval of the Appointing Authority or designee and the head of another state agency/higher education institution, to an employee of another state agency/higher education institution.

The HR Office will notify the requesting employee and the supervisor of the decision regarding the request for shared leave.

If approved, the HR Office will communicate the need for shared leave via the campus email system. The requestor's name and reason for the shared leave will remain confidential and will not be shared without the written permission of the employee requesting the leave.

3001.6 DONATING SHARED LEAVE

A BBCC employee who accrues vacation, sick leave, or personal holiday may request approval to donate leave to an approved shared leave recipient by submitting a completed shared leave donation form available on the BBCC Portal or the HR Office. The minimum amount of hours donated shall be four (4) hours. Donations of shared leave must meet the following requirements specific to the type of leave being donated.

- Vacation – Employees donating annual leave may not donate an amount of hours that would drop their vacation balance below 80 hours.
- Sick Leave - Employees donating sick leave may not donate an amount of leave that would drop their accumulated compensable sick leave balance below 176 hours or 22 days for faculty.
- Personal Holiday – Employees may donate all or a part of a personal holiday, provided that any part of the personal holiday returned must be used in one absence within the same calendar year.

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- Personal Leave Days – Personal leave days may not be donated.

Employees may not donate annual leave hours that would otherwise be lost on the next anniversary date due to exceeding maximum leave accruals. Employees may not donate annual leave, sick leave, or personal holiday that would otherwise be lost due to separation of employment.

Employees working in grant-funded positions are not eligible to donate leave. The HR Office will verify that the employee is eligible to donate leave.

3001.7 SHARED LEAVE ADMINISTRATION

All compensatory time, personal holiday, sick leave, and vacation accrued time must be used prior to using shared leave when the employee qualifies for shared leave as outlined in section 3001.3 of this procedure.

The calculation of the recipient's leave value shall be in accordance with applicable Office of Financial Management (OFM) policies, regulations, and procedures. It shall be the donor's dollar value of the leave that transfers and purchases shared leave for the recipient at the recipient's rate of pay.

An employee on shared leave shall continue in the status as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued leave.

Any employee who uses leave that is transferred under the program will not be required to repay the value of the leave that he or she used.

Where the Appointing Authority or designee has approved the transfer of leave to another agency or higher education institution, the HR Office will arrange for the transfer in accordance with OFM regulations.

Leave transferred under this procedure shall not be used in any calculations to determine BBCC's allocation of full-time equivalent staff positions.

Unused shared leave may not be cashed out but shall be returned to the donor(s). The value of any unused shared leave will be returned at its original value to the employee or employees who donated the leave when the HR Office finds that the leave is no longer needed or will not be needed at a future time in connection with a qualifying condition of the original request. Before a determination is made to return unused shared leave, the HR Office must receive from the affected employee a statement from the employee's healthcare provider verifying that the illness or injury is resolved. Unused shared leave will be returned to the donor(s) according to the provisions in SAAM. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

3001.8 RECORDS

The Human Resources Office is responsible for maintaining shared leave records and for reporting shared leave activity to OFM, when requested. The Payroll Office

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will report the fiscal information and the HR Office will report the number of requested received, number of requests granted, and the nature of the requests. The value of the donor's leave will be reported by the HR Office to the Business Office for transfer of budgetary funds.

Shared leave balances will be maintained separately from other leave balances.

3001.9 UNIFORMED SERVICES SHARED LEAVE POOL

In addition to donations that one employee may make directly to another employee, eligible employees may request to donate to or receive shared leave hours from the Washington State Uniformed Services Shared Leave Pool (USSLP). Leave donated to the USSLP cannot be rescinded or returned to the donating employee.

3001.10 USE OF SHARED LEAVE FOR COVID-19-RELATED ILLNESS

Pursuant to section 2 of HB 2739, effective March 17, 2020, and RCW 41.04.665, until the expiration of proclamation 20-05, issued by the governor on February 29, 2020, declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, a BBCC employee may receive shared leave if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). Use of shared leave under this subsection 3001.10 is permitted without consideration of the eligibility requirements listed in subsection 3001.3.

End of document: Legal References

HB 2739, effective March 17, 2020,

RCW 41.04.665