



25.40 Leave

25.40.10

October 1, 2008

Shared leave

25.40.10.a

General guidelines

Per RCW 41.04.650 through 670, the state's shared leave program allows a state employee to come to the aid of another state employee who is likely to take leave without pay or terminate his or her employment because:

- 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 an extraordinary or severe nature;
- The employee has been called to service in the uniformed services;
- The employee is a victim of domestic violence, sexual assault or stalking; or
- 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 is volunteering with a governmental agency or a nonprofit organization to provide humanitarian relief in the devastated area.

When taken, this leave is classified as Shared Leave and tracked separately over the state career of the recipient employee (donee).

Department of Personnel WAC 357-31-380 through 455, or the CBAs, establish the definition and eligibility requirements for the state leave sharing program.

Within these rules, the head of each agency determines the agency's level of participation in the program. Agencies are strongly encouraged to establish policies that encompass these rules and that set internal procedures for managing the program.

25.40.10.b **Definitions**

Employee – Any employee entitled to accrue sick, vacation, or personal holiday leave and for whom an agency has maintained leave records.

Donor – The employee making the donation of leave.

Donee – The employee receiving the donation of leave (recipient).

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

Shared leave – The donated leave converted to hours by the receiving agency at the donee's rate of pay. This may be more or less than the literal hours donated, depending on the relative salary rates of the respective employees.

25.40.10.c **Shared leave program requirements and restrictions**1. **Salaries and wages**

Employees on shared leave continue to receive the same salary, wage, and employee benefits that they normally receive when using **accrued** leave. Refer to RCW 41.04.665(7).

2. **Shared leave requester**

- a) An agency shall require the employee requesting shared leave to submit a medical statement supporting the request. A licensed physician (or health care practitioner) should:
 - Verify the severity or extraordinary nature of the condition.
 - Verify the expected duration of the condition.
- b) An agency shall require an employee called to service in the uniformed services who is requesting shared leave to submit a copy of the military orders verifying the employee's required absence.
- c) An agency shall require an employee volunteering his or her services to either a governmental agency or a nonprofit organization to assist in disaster relief efforts in response to a declared federal or state emergency or its aftermath to submit proof of acceptance of the employee's services by the government agency or nonprofit organization.

Refer to WAC 357-31-390 and 405, or CBAs.

3. Types and limitations on leave donations

a) Vacation leave

Employees may donate vacation leave if this does not cause their vacation leave balance to fall below eighty hours after the transfer. For part-time employees, requirements for vacation leave balances are prorated.

Additionally, certain CBAs specify that an employee may not donate excess vacation leave (hours in excess of 240) that the donor would not be able to take due to an approaching anniversary date. Prior to the donation, the donor's supervisor (or equivalent) determines how much of the excess leave the employee could use prior to the employee's anniversary date.

Because only approved usable excess leave can be donated, affected employees do not need a second approval to receive any remaining excess donated leave back should a reversion occur.

b) Sick leave

Employees may donate any amount of sick leave provided the donation does not cause their sick leave balance to fall below 176 hours after the transfer.

Note: RCW 41.04.665 allows employees of higher education institutions who do not accrue vacation leave but do accrue sick leave to donate sick leave. The donation cannot cause the employee's sick leave balance to fall below twenty-two days.

c) Personal holiday

An employee may donate all or part of a personal holiday. Any portion of the personal holiday that is not used shall be returned to the donating employee, and may be used by the donor if the returned donation occurs and is then used in the same calendar year that it was donated. For represented employees, check CBA for returns that cross calendar years.

4. Limitations on receipt of shared leave

a) Maximum shared leave per person

An employee may not receive more than 261 days of shared leave for the entire duration of state employment. For this purpose, eight hours shall constitute a day (RCW 49.28.010) unless otherwise required by statute, regulations, or employment contract.

b) When shared leave can be used

WAC 357-31-435 or the CBAs requires employees to use all compensatory time, recognition leave, personal holiday, and vacation leave that they have accrued before using shared leave.

Additionally, before using shared leave for:

- Medical purposes, employees must use all accrued sick leave.
- Service in the uniformed services, employees must use all paid military leave.

For work related illness or injury, the employee must diligently pursue and be found to be ineligible for benefits under Chapter 51.32 RCW to qualify for shared leave for medical purposes.

Note: Once an employee uses authorized shared leave, the employee shall not be required to repay to the agency the value of the leave used.

5. Transfer of shared leave

Shared leave can transfer within a state agency and account: or, it can transfer between accounts or agencies. Transfer of leave requires approval from the agency head or designee of both the donor and donee agencies. It is recommended that an agency's shared leave policies include approval procedures and identify authorized designees.

25.40.10.e **Recording donated leave transfer(s) in accounting and payroll systems**

- Transfer the dollar value of donated leave using a Journal Voucher (A7) for transfers between treasury and/or treasury trust accounts.
- Use a warrant or a check for transfers between treasury and local accounts.
- Attach documentation to the JV or warrant or check, showing the name(s) of the employee(s) receiving the shared leave.
- Record the transfer in the appropriate accounting and payroll systems. **It is recommended agencies record the shared leave transactions, at a minimum, on a quarterly basis.** Refer to Subsection 85.34.20 for related accounting entries.

25.40.10.f **Shared leave records**

An employee requesting shared leave may be required to submit a medical certificate, copy of military orders, proof of acceptance of an employee's offer to volunteer, court order, or other documentation as applicable. Refer to WAC 357-31-405.

The agency head or designee must maintain the following shared leave information at a minimum:

- Number of leave requests received.
- Number of leave requests granted.
- Nature of requests.
- Name and agency of donors.
- Amount of leave transferred in or out.
- Value of leave transferred in or out.
- Date leave was taken for each occurrence.

Code donated leave as shared leave and maintain it separately from all other leave balances.

25.40.10.g **Unused shared leave**

1. Return any unused shared leave to the donor(s). Consider the shared leave ended when any one of the following events occurs:
 - When the donee has not used the shared leave for a 30 calendar day period.
 - When the donee voluntarily stops using the shared leave and instructs reversion of the remaining shared leave balance.
 - When the donee is unable to use the remaining shared leave (i.e., the employee terminates employment).

Before the agency head makes a determination to return unused leave in connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. The agency head or designee must approve in writing any exceptions to this reversion.

2. Upon reversion, the *donee agency* completes the following steps:
 - Determine the donee's shared leave hours remaining.
 - Calculate the dollar value using the *donee's original TSR* and return the dollars to the appropriate donor agency or account (if applicable). Any reversion *must* use the same TSR basis that was used to provide the shared leave hours to the donee. Otherwise, the dollar value per reverted hour returned to the donor agency or account will be more or less than received, depending on how a donee's current TSR may have changed. Refer to Subsection 85.34.20 for accounting entries, including the entries to return shared leave value within an account.
 - Reduce the donee's shared leave balance to zero. Also, restore the donor's applicable reverted leave hours if in the same agency.

Formula for calculating the return of shared leave to the donor:

Dollar value of reverting shared leave to donor agency and/or account = Shared leave hours remaining x Donee's original TSR

Reduce the donee's available shared leave balance to zero and prepare transfer of the remaining dollar value of the leave back to the donor agency and/or account.

3. Upon reversion, the *donor agency* completes the following steps:
- Receive the returned cash from another agency and/or account. If the donor was within the same agency and same account, then receive the dollar value only. Refer to Subsection 85.34.20.
 - Calculate the number of hours to restore to the donor using the *donor's current TSR*. The donor's current salary rate is used because that reflects the current cost of re-establishing leave hours.
 - Restore the calculated leave hours to the donor.

Formula for converting the dollar value of returned leave to one donor:

$$\text{Converting dollar value of reverting shared leave to } \textit{donor} \text{ hours} = \frac{\text{Dollar value of reverting shared leave}}{\text{Donor's current TSR}}$$

Record the calculated hours returned to the donor's leave balance.

4. Calculating reverting shared leave hours from **multiple donors**

Where more than one employee donated leave to an individual, calculate reverting leave on a prorated basis using either the shared leave hours provided or dollars received by the donee. The following example uses dollars received.

This is a three-step process:

Step 1: Calculate this percentage for each donor:

$$\text{Percentage of residual shared leave returned to donor} = \frac{\text{Shared leave dollars received from Employee 1}}{\text{Total dollar value of shared leave received}}$$

Step 2: Calculate the dollar value of shared leave reverting back to the donor:

$$\text{Dollar value of shared leave reverting back to donors} = \% \text{ calculated in Step 1} \times \text{Remaining shared leave hours} \times \text{Donee's original TSR}$$

Step 3: Calculate leave hours returned to the donor:

$$\text{Residual shared leave returned to donor converted to donor hours} = \frac{\text{Dollar value of reverting shared leave from Step 2}}{\text{Donor's current TSR}}$$

Note: A special reversion situation occurs when a donee depletes the initial shared leave hours received, and then receives additional donations. In this case, should there be a reversion of the additional leave received; do not include in the reversion proration *the donors(s) and the hours of the initial donation*. In effect, batches of donated shared leave are used on a first-in, first-out basis and reversion is limited to the remaining batch. Each batch (pool) is considered closed at the time its available shared leave balance reaches zero.

To comply with the cost containment provisions of RCW 41.04.670(3), accounting batches may be restricted to record only the amount of shared leave actually needed by donees on a payroll period by payroll period basis from a list of potential donors maintained on a first-in, first-out basis.

Agencies should communicate to potential donors the agency’s shared leave policy in regard to how shared leave donations will be applied.

25.40.10.h **Donation and reversion calculation examples**

For a sample donation and reversion case, refer to OFM’s Payroll Resources website at: <http://www.ofm.wa.gov/resources/payroll.asp>.

25.40.10.i **Direct questions on shared leave calculations to OFM**

Direct any questions arising due to the transfer of funds or the adjustment of appropriation authority with regard to the Shared Leave Program to the agency’s assigned OFM financial consultant.

25.40.10.j **Formula for fringe benefit rate**

Formula for Deriving the Fringe Benefit Rate:

Benefits (Object B) as a percentage of salaries and wages		27.1%
Accrued holidays, sick leave, vacation leave	+	<u>13.5% **</u>
	Total	40.6% (Rounded to 41%)

**The additional 13.5% provides for holidays, sick leave, and vacation leave that an employee could potentially earn while on shared leave. The following formula is the method OFM has historically used to derive the percentage.

Holidays	11 days a year
Sick Leave	12 days a year
Vacation Leave	<u>12 days a year</u>
Total	35 days a year
	x <u>8 hours per day</u>
Total	280 hours

25.40.12

October 1, 2007

Uniformed service shared leave pool

Per RCW 41.04.685, the uniformed service shared leave pool allows general government and higher education employees to voluntarily donate leave to be used by any eligible employee who has been called to service in the uniform services. Department of Personnel WAC 357-31-640 through 725 establishes the rules for the uniformed service shared leave pool.

The Military Department, in consultation with the Department of Personnel and the Office of Financial Management, administer the uniformed service shared leave pool. Procedures can be found on OFM's Payroll Resources website at: <http://www.ofm.wa.gov/resources/payroll.asp>.

In order to participate in the uniformed service shared leave pool, employers must develop a written policy which, at a minimum, addresses:

1. Eligibility requirements for use of the uniformed service shared leave pool.
2. Donation of leave.
3. Use of pool leave.
4. Abuse of the leave pool.

An employer may limit the amount of leave an employee may donate to or receive from the pool only if it would result in the violation of rule or statute.

Leave that is donated or received is calculated consistent with the Washington State Leave Sharing Program. Refer to Subsection 25.40.10. However, shared leave received under the uniformed service shared leave pool is not included in the 261 day total specified in RCW 41.04.665.

25.40.15 Sick leave pools

July 1, 2007

Per RCW 41.04.680, general government state employees may pool sick leave within an agency to be used by participating employees who have a personal illness, accident, or injury. Department of Personnel WAC 357-31-570 through 635 establishes the rules for creating and administering a sick leave pool.

Prior to creating a sick leave pool, an agency must appoint an administrator and develop a written policy. For purposes of calculating maximum sick leave that may be donated or received by any one employee, pooled sick leave is counted and converted in the same manner as sick leave under the Washington state Leave Sharing Program.

A participating employee may not withdraw more that 261 days from a sick leave pool for the entire duration of state employment. The 261 days includes any days an employee has received under the Washington State Leave Sharing Program. Refer to Subsection 25.40.10.

This provision is for non-represented employees only.

25.40.20 Vacation leave buyout at termination

October 1, 2005

Compute termination leave payments by multiplying an average hourly rate times the number of vacation leave hours accumulated. Determine the average hourly rate by multiplying .0063* times the monthly salary rate. The fraction of .0063 is based upon the number of work hours in an average month. Do not include premium pay such as standby, shift differential, and overtime in the monthly salary rate used as the basis for termination leave payment.

*The formula for deriving the .0063 factor follows.

<u>Formula for Deriving the Vacation Leave Buyout Termination Factor:</u>	
$\frac{8 \text{ hrs}}{1 \text{ day}}$	$\times \frac{1}{(365 \text{ days} - 104 \text{ Saturdays and Sundays} - 11 \text{ holidays} - 12 \text{ days of vacation leave})}$
$=$	$\frac{1}{158.66}$
$=$	$.0063$

25.40.30

October 1, 2005

Accrued sick leave buyout

25.40.30.a

Authority

In order to provide eligible state employees an attendance incentive program, RCW 41.04.340 establishes rules when monetary compensation may be paid for accrued sick leave. Compensation is permitted for only that portion of sick leave accumulated at a rate of one day (8 hours) per month.

WAC 357-31-150 or the CBAs provide additional rules and guidance.

25.40.30.b

Eligibility rules**1. Continuing employees**

- In January of the year following any year in which a minimum of sixty days (480 hours) of sick leave is accrued, and at no other time, an eligible employee may elect to receive compensation for the unused sick leave *accumulated only in the previous year*.
- Compensation is payable at 25% for any of the prior year's unused sick leave hours the employee elects to receive. However, no sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours. Payment is based on the employee's current salary.
- Sick leave for which compensation has been received is deducted from accrued sick leave at the rate of 4 days for every 1 day paid.

2. Terminating employees

Eligible employees (or their estates) who separate from state service due to retirement or death may elect to receive compensation for unused sick leave at the rate of 25% of accumulated accrued sick leave. The compensation is based on the employee's salary at the time of separation.

25.40.30.c

Medical expense plans

RCW 41.04.340 (7-9) authorizes retiring state employees to participate in medical expense plans, subject to conditions provided in statute, WAC 357-31-375, or the CBAs.

In lieu of remuneration for unused sick leave at retirement, agencies may, with equivalent funds, provide eligible employees with a benefit plan that provides for reimbursement for medical expenses.

25.40.30.d **Determination of the current hourly rate**

The appropriate current hourly rate for sick leave buyout compensation depends on how an eligible employee is paid. Most situations are addressed in the following examples.

- For an employee paid a monthly salary based upon an official Washington State Personnel System Salary Schedule, divide the monthly salary rate by 174 (average number of hours in a month).
- For an employee paid a salary based on a contract stating the number of contract days, divide the contracted salary by the number of contracted days to obtain a daily rate. Then divide the daily rate by the appropriate number of hours per day established for that contract to derive the hourly rate.
- For an employee paid a salary based on a *yearly* contract, divide the yearly salary by 12. The hourly rate is then calculated by dividing the computed monthly salary by 174 hours.
- If an employee is paid an hourly rate in accordance with an agreement negotiated between an employee organization and the state or based on an hourly rate from an official Washington State Personnel System Salary Schedule, that hourly rate is the official rate for computing sick leave compensation.

25.40.30.e **Exemption from retirement credit**

Do not take retirement contributions on payments for sick leave buyouts. Compensation for unused sick leave is not used in computing retirement allowances.

25.40.30.f **Buyout upon disability or death**

Per IRS Publication 15-A, sick leave buyouts made to employees who retire due to disability, or to deceased employees' survivors, are exempt from OASI and Medicare taxes.

25.40.30.g **Buyout calculation****Calculation for a Continuing Employee:**

Sick Leave hours unused in previous year in excess of 480 hours elected for buyout
 $x 25\% \times \text{Employee's current hourly salary rate}^* = \text{Buyout}$

Calculation for a Terminating Employee:

All unused Sick Leave hours remaining $x 25\% \times \text{Employee's current hourly salary rate}^* = \text{Buyout}$

*Refer to Subsection 25.40.30.d for determination of the current hourly rate

Example: An eligible employee has 650 hours of unused sick leave as of January 1, 20xx. The employee has 48 hours of unused prior year sick leave.

Calculation for a **Continuing** Employee: $(25\% \times 48 \text{ hours})$ Pay 12 hours

Calculation for a **Terminating** Employee: $(25\% \times 650 \text{ hours})$ Pay 162.5 hours

25.40.40

January 1, 2009

Workers' compensation time loss payments

25.40.40.a

Authority

RCW 51.32.090 prohibits employees from receiving time loss payments and regular salary or wages during the period covered by the disability. For purposes of time loss payments, regular salary or wages do not include holiday pay, vacation pay, sick leave, or similar paid leave.

25.40.40.b

Agency procedures for time loss determinations**1. Department of Labor and Industries notification**

The Department of Labor and Industries (L&I) notifies the agency of time loss payment amounts made to the agency's employees and the time periods covered.

2. Agency receipt of notice

When an agency receives notice of time loss payments, the agency determines the nature of paid leave used by the employee, if any, during the disability period covered by workers' compensation.

3. Employee options

Under WAC 357-31-240, and 245, or the CBAs, *employees elect one* of the following options:

- They can choose to receive time loss payments exclusively.
- They can choose to receive leave payments exclusively (excluding Shared Leave).
- They can choose a combination of time loss payments and leave payments.

4. An employee can elect to receive both time loss payments and pay for time taken as:

- Vacation pay
- Sick leave
- Compensatory time
- Exchange time
- Holiday pay

An employee is *entitled to both payments* for the same time period without any deductions for the time loss payments.

5. Shared leave

An employee who qualifies for time loss cannot use shared leave for the same time period. WAC 357-31-390(6) or the CBAs require an employee to have diligently pursued and been found to be ineligible for benefits under Chapter 51.32 RCW for a work related illness or injury in order to be eligible for the shared leave program for medical purposes.

Note: If an employee inadvertently receives shared leave and is subsequently approved for benefits under Chapter 51.31 RCW, the employee shall not be required to repay to the agency the value of the shared leave used.

6. Retirement service credit – employees on unpaid leave

Per the Department of Retirement Systems (DRS), **employees who are in unpaid status while receiving time loss may elect to purchase service credit** for up to a two year limit. Calculate retirement contributions based on one of the following 2 situations:

- a) The employee elects to have full service credit for the duration of the claim up to the two year limit and the **agency chooses to assume liability for the employee and employer contributions:**
 - The agency must have an agreement with the employee. Calculate retirement on the *reportable compensation* the member would have received if the disability had not occurred.
 - Report to DRS: Reportable compensation the member would have received if the disability had not occurred. The employee contribution is deferred from Federal Income Tax (FIT).
- b) The employee elects to have full service credit for the duration of the claim up to the two year limit and the **agency chooses not to assume liability for the employee contribution:**
 - At the end of the disability the employee has the option to purchase up to 24 months (PERS 1-3), 6 months (LEOFF), for WSP (contact DRS) of lost service credits due to the disability.
 - Upon returning to work, the employee contacts DRS in order to purchase the desired amount of service credit.
 - Upon receipt of payment for service credits by employee, DRS will invoice the employer for employer contributions, plus interest.

25.40.50

January 1, 2009

Recognition leave

WAC 357-31-565 and certain CBAs authorize employers who have received performance management confirmation to grant employees up to five (5) days of paid leave within a twelve-month period to recognize outstanding accomplishments or the achievement of pre-defined work goals by individual employees or units.

Leave granted under this provision is not payable upon layoff, dismissal, separation, or resignation or transferable between employers. Accordingly, it need not be accrued at fiscal year end.