

NEW SECTION

WAC 357-31-835 What is the purpose of the foster parent shared leave pool? The foster parent shared leave pool was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who is a licensed foster parent pursuant to RCW 74.15.040 so they may:

- (1) Care for a foster child; and/or
- (2) Prepare to accept a foster child in their home.

NEW SECTION

WAC 357-31-840 Who shall administer the foster parent shared leave pool? The department of social and health services, in consultation with office of financial management, shall administer the foster parent shared leave pool.

NEW SECTION

WAC 357-31-845 What definitions apply to the foster parent shared leave pool? The following definitions apply to the foster parent shared leave pool:

"Caring for" means taking foster child to health care appointments, court appointments, visitation with family members and/or any other reasons that sick leave may be used for in WAC 357-31-130.

"Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained as defined in RCW 41.04.655.

"Monthly salary" means the monthly salary and special pay and shift differential, or the monthly equivalent for hourly employees. Monthly salary does not include overtime pay, callback pay, standby pay or performance bonuses.

"Preparing for" means arranging their living space, enrolling in school, and/or enrolling in childcare.

NEW SECTION

WAC 357-31-850 Must employers have a written policy regarding the foster parent shared leave pool? Each employer must have a written policy which at a minimum addresses:

- (1) Amount of leave that may be withdrawn from the foster parent shared leave pool;
- (2) Eligibility requirements for use of the foster parent shared leave pool;
- (3) Donation of leave;
- (4) Use of pool leave; and

(5) Abuse of pool.

NEW SECTION

WAC 357-31-855 Is participation in the foster parent shared leave pool voluntary? Participation in the foster parent shared leave pool must at all times be voluntary on the part of the donating and receiving employee.

NEW SECTION

WAC 357-31-860 Which employees are eligible to request leave from the foster parent shared leave pool? Employees that are licensed foster parents pursuant to RCW 74.15.040 are eligible to request leave from the foster parent shared leave pool.

NEW SECTION

WAC 357-31-865 How must employees who are receiving leave from the foster parent shared leave pool be treated during their absence? An employee using shared leave under the foster parent shared leave pool receives the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued vacation leave or sick leave.

NEW SECTION

WAC 357-31-870 May the receiving employee's employer restrict the amount of shared leave an eligible employee may receive, per occurrence, to care for a foster child? The receiving employee's employer may limit the amount of shared leave their eligible employee receives, per occurrence, under the foster parent shared leave pool to care for a foster child.

NEW SECTION

WAC 357-31-873 Is there a limit to the amount of shared leave an eligible employee may receive, per occurrence, to prepare to accept a foster child in their home? An eligible employee may receive up to five days of shared leave, per occurrence, from the foster parent shared leave pool to prepare to accept a foster child in their home.

NEW SECTION

WAC 357-31-875 What is the total amount of shared leave an eligible employee may receive under the foster parent shared leave pool? An eligible employee must not receive more than five hundred twenty-two days of shared leave under the foster parent shared leave pool during their total state employment.

NEW SECTION

WAC 357-31-880 Is shared leave received under the foster parent shared leave pool included in the shared leave limits specified in RCW 41.04.665? Shared leave received under the foster parent shared leave pool is not included in the five hundred twenty-two day total specified in RCW 41.04.665.

NEW SECTION

WAC 357-31-885 May employees donating leave for the purpose of the foster parent shared leave pool direct the donation to a specific individual? Leave donated under this section is "pooled" and is withdrawn from the pool by eligible employees according to priorities established by the department of social and health services. Leave donated cannot be directed to a specific individual. All employees who donate must specify their intent to donate to the foster parent shared leave pool.

NEW SECTION

WAC 357-31-890 What types of leave may an employee donate for the purposes of the foster parent shared leave pool? An employee may donate vacation leave, sick leave, and all or part of a personal holiday for purposes of the foster parent shared leave pool under the following conditions:

(1) Vacation leave: The donating employee's employer approves the employee's request to donate a specified amount of vacation leave to the foster parent shared leave pool. The full-time employee's request to donate leave will 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.

(2) Sick leave: The donating employee's employer approves the employee's request to donate a specified amount of sick leave to the foster parent shared leave pool. The employee's request to donate leave will not cause their sick leave balance to fall below one hundred seventy-six hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of their personal holiday to the foster parent shared leave pool.

NEW SECTION

WAC 357-31-895 Must employees use their own leave before receiving shared leave from the foster parent shared leave pool? Employees who are eligible to receive shared leave from the foster parent shared leave pool must first use all compensatory time, recognition leave as described in WAC 357-31-565, and personal holiday before requesting shared leave from the foster parent shared leave pool. The employee is not required to deplete all of their vacation leave and sick leave and can maintain up to forty hours of vacation leave and forty hours of sick leave.

NEW SECTION

WAC 357-31-900 What salary will an eligible employee receive when withdrawing shared leave from the foster parent shared leave pool? Shared leave paid under the foster parent shared leave pool must not exceed the level of the employee's state monthly salary as defined in WAC 357-31-845.

NEW SECTION

WAC 357-31-905 What documentation is an employee seeking shared leave under the foster parent shared leave pool be required to submit? Employees seeking shared leave under the foster parent shared leave pool must provide proof of a current foster parent license.

NEW SECTION

WAC 357-31-910 What happens if the foster parent shared leave pool does not have a sufficient balance to cover shared leave requests? Foster parent shared leave may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

NEW SECTION

WAC 357-31-915 May an agency head, higher education president or designee establish restrictions on the amount of leave an employee may

donate under this section? An agency head, higher education president or designee may limit the amount of leave an employee may donate under this section.

NEW SECTION

WAC 357-31-920 When an employer and/or the department of social and health services has determined that abuse of the foster parent shared leave pool has occurred will the employee be required to repay the shared leave drawn from the pool? Employers and/or the department of social and health services must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing the employee may be required to repay all of the shared leave received from the foster parent shared leave pool. The only time an employee will have to repay leave credits is when there is a finding of wrongdoing.