

AMENDATORY SECTION (Amending WSR 05-08-136, filed 4/6/05, effective 7/1/05)

WAC 357-31-045 If an employee resigns ((~~or~~)), is dismissed, or separated during a month in which there is a holiday, will ((he/she)) the employee be compensated for the holiday? Employees who resign ((~~or~~)), are dismissed, or separated before a holiday do not qualify for holidays occurring after the effective date of resignation, dismissal, or separation.

AMENDATORY SECTION (Amending WSR 05-08-136, filed 4/6/05, effective 7/1/05)

WAC 357-31-080 What happens if an employee requests to use ((his/her)) a personal holiday in accordance with the employer's leave procedures and the employer denies the request? If before the end of the calendar year the employee requests the use of ((his/her)) the personal holiday in accordance with the employer's leave procedures and the employer denies the request, the employee is entitled to carry over the personal holiday to the next calendar year.

AMENDATORY SECTION (Amending WSR 05-16-044, filed 7/27/05, effective 9/1/05)

WAC 357-31-095 If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours? An employee who has donated ((his/her)) a personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to ((him/her)) the employee during the same calendar year, may use the remaining hours. If the hours are returned during a different calendar year, the employee cannot use the remaining hours.

AMENDATORY SECTION (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

WAC 357-31-220 What must be included in the statement of necessity for excess vacation leave? At a minimum, a statement of necessity for excess vacation leave must include all of the following:

- (1) The date on which the statement of necessity was authorized;
- (2) Justification of denial of the employee's leave request;
- (3) Date upon which the employee will be able to resume leave usage;
- (4) The employee's total leave balance on ((his/her)) the employee's anniversary date;
- (5) The employee's accrual rate; and
- (6) The employee's leave balance at the time of the request.

AMENDATORY SECTION (Amending WSR 05-08-138, filed 4/6/05, effective 7/1/05)

WAC 357-31-340 When an employee returns from authorized leave without pay, what position will ~~((he/she))~~ the employee be returned to? 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 that such return to employment is not in conflict with rules relating to layoff.

AMENDATORY SECTION (Amending WSR 05-08-139, filed 4/6/05, effective 7/1/05)

WAC 357-31-420 What rate of pay is the employee receiving shared leave paid? The receiving employee is paid ~~((his/her))~~ the employee's regular rate of pay. Therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

AMENDATORY SECTION (Amending WSR 05-08-139, filed 4/6/05, effective 7/1/05)

WAC 357-31-425 What types of leave can an employee donate for the purposes of the state leave sharing program? An employee may donate vacation leave, sick leave, or all or part of a personal holiday to another employee for purposes of the state leave sharing program 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 an employee authorized to receive shared leave and the full-time employee's request to donate leave will not cause ~~((his/her))~~ the employee's vacation leave balance to fall below ~~((eighty))~~ 80 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 an employee authorized to receive shared leave and the employee's request to donate leave will not cause ~~((his/her))~~ the employee's sick leave balance to fall below ~~((one hundred seventy-six))~~ 176 hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of ~~((his or her))~~ the employee's personal holiday to an employee authorized to receive shared leave.

Any portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

AMENDATORY SECTION (Amending WSR 16-17-092, filed 8/18/16, effective 9/20/16)

WAC 357-31-445 What happens to leave that was donated under the state leave sharing program and was not used by the recipient? (1) Any shared leave not used by the recipient during each incident/occurrence, as determined by the employer, must be returned to the donor(s).

(a) If shared leave has been granted (~~for~~) to an employee (~~that~~) who suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, unused shared leave may not be returned to the donor until one of the following occurs:

(i) The employer receives a statement from the affected employee's licensed physician or health care practitioner verifying that the illness or injury is resolved; or

(ii) The employee is released by their licensed physician or health care practitioner to return to their normal schedule; has not received additional medical treatment for (~~his or her~~) the employee's current condition or any other qualifying condition for at least six months; and the employee's licensed physician or health care practitioner has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) The remaining shared leave must be returned to the donors and reinstated to the respective donors' appropriate leave balances based on each employee's current salary rate at the time of the reversion. The shared leave returned must be returned in accordance with office of financial management policies.

(2) Unused shared leave may not be cashed out by a recipient.

AMENDATORY SECTION (Amending WSR 05-08-139, filed 4/6/05, effective 7/1/05)

WAC 357-31-450 Must an employee who receives shared leave repay the value of the leave that (~~he or she~~) the employee used? An employee who uses leave that is donated under the state leave sharing program is not required to repay the value of the leave that (~~he or she~~) the employee used.

AMENDATORY SECTION (Amending WSR 07-11-095, filed 5/16/07, effective 7/1/07)

WAC 357-31-605 What rate of pay is the participant who withdraws sick leave from the pool paid? A participant who withdraws sick leave from a sick leave pool will be paid (~~his/her~~) the participant's regular rate of pay.

AMENDATORY SECTION (Amending WSR 07-11-095, filed 5/16/07, effective 7/1/07)

WAC 357-31-615 When a participating employee uses leave from a sick leave pool will ~~((he/she))~~ the employee be required to recontribute such sick leave to the pool? When a participating employee uses leave from a sick leave pool ~~((he/she))~~ the employee will not be required to recontribute such leave to the pool unless the agency has determined that abuse of the pool has occurred.

AMENDATORY SECTION (Amending WSR 07-11-095, filed 5/16/07, effective 7/1/07)

WAC 357-31-625 When an employee cancels ~~((his/her))~~ membership in a sick leave pool, ~~((can))~~ may the employee withdraw the days of sick leave ~~((he/she))~~ the employee had contributed to the pool? An employee who cancels ~~((his/her))~~ membership in a sick leave pool is not eligible to withdraw the hours of sick leave ~~((he/she))~~ the employee had contributed to the pool.

AMENDATORY SECTION (Amending WSR 07-11-095, filed 5/16/07, effective 7/1/07)

WAC 357-31-630 Can a participant who moves from one general government position to a different general government position transfer from one sick leave pool to another sick leave pool? A participant who moves between general government positions within ~~((his/her))~~ the same agency or with a different agency may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of credits.

AMENDATORY SECTION (Amending WSR 07-17-123, filed 8/20/07, effective 10/1/07)

WAC 357-31-685 What types of leave can an employee donate for the purposes of the uniformed service shared leave pool? An employee may donate vacation leave, sick leave, or all or part of a personal holiday for purposes of the uniformed service 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 uniformed service shared leave pool and the full-time employee's request to donate leave will not cause ~~((his/her))~~ the employee's vacation leave balance to fall below ~~((eighty))~~ 80 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 uniformed service shared leave pool and the employee's request to donate leave will not cause ~~((his/her))~~ the employee's sick leave balance to fall below ~~((one hundred seventy six))~~ 176 hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of ~~((his/her))~~ a personal holiday to an employee authorized to receive leave under the uniformed service shared leave pool.

AMENDATORY SECTION (Amending WSR 07-17-123, filed 8/20/07, effective 10/1/07)

WAC 357-31-695 How is the maximum shared leave pay, which will be granted from the uniformed service shared leave pool calculated? The basis for calculating the maximum shared leave pay granted from the uniformed service shared leave pool is the greater of:

(1) The difference between the employee's current monthly salary (as defined in WAC 357-31-650(5)) and ~~((his/her))~~ the employee's monthly military salary (as defined in WAC 357-31-650(4)) or;

(2) The dollar value associated with the number of hours required to maintain eligibility for employee benefits.

AMENDATORY SECTION (Amending WSR 07-17-123, filed 8/20/07, effective 10/1/07)

WAC 357-31-705 What rate of pay is paid to the employee receiving leave under the uniformed service shared leave pool? The receiving employee is paid ~~((his/her))~~ their regular rate of pay. Therefore, the value of one hour of donated shared leave may cover more or less than one hour of the recipient's salary.