

## Leave

### **A. Leave Administration**

All employee requests for leave shall be completed and submitted through the Electronic Leave System (ELS) electronic leave request form. All such leave requests should be submitted with as much advance notice as reasonably possible, preferably two (2) days in advance.

If leave requests are not submitted in advance, the employee shall notify the front office by telephone. The telephone number to call and leave a message with leave notification, or speak directly to a member of the Office of the Code Reviser (OCR) staff is 360-786-6777. Telephonic leave requests shall be followed-up with the completion and submission of an electronic leave request form upon immediate return to work.

### **B. Vacation Leave**

#### **1. General**

State law provides for the granting of vacation leave to regular employees. (RCW 43.01.040.) Under the law, vacation leave accrues at the rates specified in the table below.

#### Accrual Rate Per Annum

<u>Years of Employment</u>	<u>Hours</u>	<u>Days</u>
1st (with no break in service)	96	12
2nd (with no break in service)	104	13
3rd, 4th (with no break in service)	112	14
5th, 6th, 7th (total)	120	15
8th, 9th, 10th (total)	128	16
11th (total)	136	17
12th (total)	144	18
13th (total)	152	19
14th (total)	160	20
15th (total)	168	21
16th and over (total)	176	22

Employees will submit requests for taking vacation leave and may take leave once the request has gone through the proper channels, and final approval notification has been received. Vacation leave shall be taken only at the convenience of the employee's workgroup, the director, and workload conditions. Staff is strongly encouraged to take vacation leave before or after legislative sessions. Unless necessitated by unique circumstances, requests to take vacation leave during legislative sessions may be denied.

#### **2. Excess Vacation Leave**

State law provides that vacation leave shall only be accumulated to a maximum of 30 days or 240 hours. There are two exceptions that allow the accrual of leave in excess of 240 hours. Excess leave can be accrued under either the "statement of necessity method" provided by RCW 43.01.040 or the "anniversary date method" of RCW 43.01.044.

Under the anniversary date method, excess vacation leave, or leave above 240 hours, will accrue automatically, but only until the employee's next anniversary date. Any excess vacation leave that accrues before the employee's anniversary date will be extinguished on the anniversary date and will be treated thereafter as if it never existed.

Excess vacation leave will also accrue under the statement of necessity method of accrual. The director may issue a statement of necessity stating that the situation necessitates an extension of the employee's vacation leave for a limited period of time. Because of the unique demands of the Legislature, the director has a long-standing policy of denying most leave requests during legislative sessions. As a result of this policy, and in order to remain consistent with state law, employees who will begin accruing excess leave during a legislative session need to submit a written request to the director requesting a "Statement of Necessity". These requests are given special consideration for approval on a case by case basis. There is a presumption that all employees can properly manage individual leave balances in order to avoid routine or automatic granting of extensions of time to take leave.

### **C. Sick Leave**

The Office of the Code Reviser follows the Washington Administrative Code (WAC) guidelines, which permits full-time employees to earn eight hours of sick leave each month in which they work for 15 calendar days or more. (WAC 356-18-050 and -060) Sick leave is intended for uses such as:

1. Because of and during illness, disability, or injury that has incapacitated the employee from performing required duties.
2. By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.
3. To care for a minor/dependent child with a health condition requiring treatment or supervision.
4. To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.
5. For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300, and 357-31-305.
6. For personal health care appointments.
7. For family members' health care appointments when the presence of the employee is required if arranged in advance with the employing official or designee.
8. When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee/employee's spouse who experience an illness or injury, not including situations covered by subsection (4) of this section.
  - (a) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.
  - (b) For purposes of this subsection, "relatives" is limited to spouse, child, grandchild, grandparent or parent.

See also **Family and Medical Leave Act**, which provides eligible employees up to 12 weeks unpaid leave for qualifying conditions.

Employees must report sick leave immediately and at the beginning of the absence by calling 360-786-65777, the main telephone number for OCR. Staff shall also report leave absence to the lead or supervisor of the workgroup to which they are assigned. Immediately upon returning to work, the employee must complete an e-leave slip, and submit electronically.

### **D. Sick Leave Attendance Incentive Program**

State law authorizes employees of the Office of the Code Reviser to receive monetary compensation for accrued sick leave only under limited circumstances. In January of each year, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to be "cashed out" for the unused sick leave hours earned in the previous calendar year. The employee making this election is paid for only one fourth of the unused leave and then only to the extent that employee's sick leave balance would not be reduced below 480 hours. (RCW 41.04.340.) Also, employees who separate from OCR service because of retirement will be compensated for 25 percent of their total unused accrued sick leave. In the case of an employee's death, his or her survivor(s) will receive the same rate of compensation. This compensation will be based on the employee's salary at the time of separation or

death. An employee who separates from OCR employment for any reason other than retirement or death will not be paid for accrued sick leave.

### **E. Family and Medical Leave**

The Family and Medical Leave Act of 1993 (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825, provide that an eligible employee must be granted, during a twelve-month period, a total of twelve work weeks of absence using accrued paid leave or leave without pay (LWOP):

- (a) As a result of the employee's serious health condition;
- (b) To care for an employee's parent, spouse, or minor/dependent child who has, In accordance with OCR policy a serious health condition; and/or
- (c) To provide care to an employee's newborn, adopted or foster child as provided in WAC 357-31-460.

In any case involving the birth or placement of a child, the available unpaid leave expires after the twelve-month period beginning on the date of such birth or placement.

In any case involving the circumstances in which both parents work for the Office of the Code Reviser, the aggregate number of work weeks of leave to which both may be entitled is limited to 12 work weeks.

Employees who have unused paid leave may use such leave as part of, or in addition to, the twelve-week family and medical leave entitlement.

In general, any employee who is granted family and medical leave shall be entitled on return from leave to be restored to the job held when the leave commenced or to be reassigned to an equivalent job.

The OCR will maintain existing health coverage of the employee during family and medical leave. However, OCR may seek to recover the premium paid for maintaining coverage for the employee if the employee fails to return from leave for a reason other than circumstances beyond the control of the employee. (RCW 49.78; 29 U.S.C. Chapter 28)

### **F. Unpaid Leave**

Unpaid leave may be allowed during interim periods under certain circumstances. (WAC 356-18-140) Unpaid leave is subject to approval by the director only.

Under state law and OCR policy, certain restrictions apply to the receipt of benefits during unpaid leave. Credit in the PERS system may not be awarded during unpaid leave under some circumstances. Employees should consult with the OCR the human resource office, accounting personnel, or the Department of Retirement Systems for more information regarding the receipt of such credit during unpaid leave.

Insurance benefits will only be provided during unpaid leave under the following circumstances:

1. The employee shall not work in another paid position during unpaid leave, unless the employee pays for the insurance benefits with direct payments;
2. The employee shall provide a statement of the general type of activity he or she will be undertaking during unpaid leave; and
3. If the employee receives incidental pay for work in another position, the employee may petition the OCR director for benefit coverage.

### **G. Civil Duty Leave**

Employees may be allowed to take leave, with pay, for the total length of approved civil duty, such as jury duty, appearances as a witness, and other civil duties. (WAC 356-18-120)

The OCR director may grant leave with pay for an employee to perform civil duties including but not limited to fire fighting, search and rescue efforts or donating blood. (WAC357-31-325)

Members of the armed forces and reserve armed forces are entitled to 15 days of leave during each calendar year for the purpose of reporting to active duty or to take part in active training duty.

#### **H. Inclement Weather Leave**

Absence due to the inability of a regular employee to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather shall be charged against leave in the following order:

1. Inflated Compensatory/Granted leave
2. Accrued vacation leave;
2. Accrued sick leave up to a maximum three days in any calendar year; and
3. Unpaid leave.

Regular employees may use unpaid leave in place of paid leave under steps 2 and 3 above upon request. Absence of temporary/session employees shall only be charged to unpaid leave. Tardiness due to the inability of an employee to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather is permitted up to one hour per day at the beginning of the work day. (WAC 357-31-255)

#### **I. Holidays**

Employees are entitled to paid leave on the following recognized State holidays, unless such holiday falls during a legislative session:

- New Year's Day – January 1st
- Martin Luther King Jr.'s Birthday – 3rd Monday in January
- Presidents' Day – 3rd Monday in February
- Memorial Day – Last Monday in May
- Independence Day – July 4th
- Labor Day – 1st Monday in September
- Veterans' Day – November 11th
- Thanksgiving – 4th Thursday in November
- Day after Thanksgiving – Friday after Thanksgiving
- Christmas Day – December 25th
- Personal Holiday\*

\*Your choice of one day per calendar year. To use the Personal Holiday, advance approval is necessary. (RCW 1.16.050.)

For each holiday worked during a legislative session, full-time employees are entitled to take a day of paid leave at the inflated OT rate, to be taken during the interim, or take pay at the compensated inflated rate of pay for over time.

#### **J. Shared Leave**

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 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 an employee authorized to receive shared leave and the employee's request to donate leave will not cause his/her sick leave balance to fall below one hundred seventy-six hours after the transfer. Vacation and sick leave may only be shared upon the approval of the director.

**K. Bereavement Leave**

If an employee's family member or household member dies, the employee is entitled to three days of paid bereavement leave. An employee may request less than three days of paid bereavement leave.

(1) In accordance with the OCR leave policy, the employer may require verification of the family member's or household member's death.

(2) In addition to paid bereavement leave, the OCR may approve an employee's request to use paid leave (accrued compensatory time, sick leave, vacation leave, and/or a personal holiday) or to take leave without pay for purposes of bereavement.