

SPOKANE COUNTY LIBRARY DISTRICT

POLICY: HR05 – Leave

APPROVAL DATE: 01/01/1982

REVISION DATE: 02/20/2024

Purpose

To set forth the District's policies for the accrual and use of District leave and the application of state and federal leave law.

Scope

Applies to all District employees

Related

District procedure 100.120 Holidays and other closures

Washington State Paid Family and Medical Leave

Washington Family Care Act RCW 49.12.265-295

Family and Medical Leave Act

The Board reserves the right to change and/or modify this policy at any time, as circumstances dictate and in accordance with applicable law.

Applicable sections of this policy are in compliance with the Washington Family Care Act, RCW 49.12.265-295.

Unless otherwise noted, leave in this policy is prorated for part-time staff calculated by the number of hours regularly scheduled per week divided by 40.

- Example: 30 hours per week divided by 40 = 75% of full-time rate

5.01 Holiday Leave

Holiday leave will be paid as shown below, based on regularly scheduled hours per week.

36+	8
31-35	7
26-30	6
21-25	5
15-20	4

The Board of Trustees has designated the following as paid holidays:

New Year's Day January 1

Martin Luther King Jr. Day January - third Monday

President's Day February - third Monday

Memorial Day..... May - last Monday

Juneteenth June 19

Independence Day	July 4
Labor Day	September - first Monday
Veteran's Day	November 11
Thanksgiving Day	November - fourth Thursday
Native American Heritage Day.....	November - Friday after fourth Thursday
Christmas Eve Day.....	December 24
Christmas Day	December 25

When an observed holiday falls on an employee's scheduled day off, holiday hours may be taken by the employee on another day within the pay period in which the holiday falls.

If the holiday is not taken within the pay period in which it occurs, those holiday hours will be added to the employee's PTO leave balance after January 1 of the following year.

A holiday occurring during an employee's PTO leave, shall be paid as holiday time.

A holiday occurring while an employee is on leave without pay shall not be paid as holiday time.

5.02 Unpaid Holidays for Reasons of Faith or Conscience

Under Washington law (RCW 1.16.050(3)), all District employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

An employee must submit the request to use these days using the established leave request process as far in advance as is practicable. The employee will be allowed to take the unpaid holidays on the days they have selected unless the absence would unduly disrupt operations or impose an undue hardship.

The two unpaid holidays allowed by this section do not carry over from one year to the next.

5.03 Paid Time Off (PTO)

All employees begin accruing PTO leave upon hire. This time is accrued each pay period into the employees' PTO Account each pay period. PTO leave may be used after completion of the first payroll period, when the first accrued leave has been posted to the employee's account.

Full-time employees shall begin accruing PTO at the rate of 240 hours per year prorated over all payroll periods. An additional 4 hours of PTO leave per year shall be accrued for each full year of continuous, regular employment up to a maximum rate of 320 hours per year.

This time will be prorated for part-time employees as stated above.

PTO will be posted to an employee's account at the end of each payroll period in which the hours are earned. Actual start date, end date and/or Leave without Pay may impact accruals for that pay period. There is no annual cap for PTO balances.

PTO may be taken for any reason such as, but not limited to:

- Vacation
- Personal time
- Injury, illness, disability, mental health care or medical care of:
 - The employee
 - The employee's family or household member.
- When the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- Absences that qualify for leave under the Domestic Violence Leave Act (see Section 5.12)

The District may require medical certification of the need for leave from a health care provider whenever:

- The employee has missed three (3) or more work shifts due to illness or injury.
- The employee requests PTO leave to care for a family or household member.
- There appears to be a pattern of PTO leave or LWOP usage.

Employee Separation

Upon employee separation, the first **480** PTO hours will be paid at a rate of one (1) hour for every one (1) hour of available PTO.

For PTO balances between **481** and **1,200**:

- Three (3) through twenty (20) years of continuous service – one (1) hour will be paid for every three (3) hours of available PTO.
- Twenty-one (21) and more years of continuous service– one (1) hour will be paid for every two (2) hours of available PTO.

An unpaid leave of absence neither breaks the continuous employment period nor applies toward the minimum years of work requirement.

Hours beyond 1,200 not cashed out upon separation will be retained per RCW as shown below.

Per RCW 49.12.265, any a PTO leave balance not paid as above will be available for use for employees who return to District employment less than 12 months following their separation. Any PTO leave balance that is reinstated will be available to use immediately upon rehire. The District will provide notice to the rehired employee with the amount of PTO leave that has been reinstated.

5.04 Dept. of Labor & Industries Time Loss Payments

The Department of Labor and Industries (L&I) is responsible for determining eligibility for wage replacement benefits if an employee is unable to work due to a workplace injury.

Until eligibility for wage replacement benefits is determined by L&I, the employee may use accrued paid leave, if available, or may choose to be placed in leave without pay (LWOP) status.

If L&I approves the employee's claim, employees may choose one of the following options:

- Be placed in LWOP status for the duration of the leave.
- Receive their full salary using available PTO leave until such time as the employee exhausts all their available paid leave. Once the employee exhausts all available paid leave provided by the District, then they shall be placed on Leave without Pay.

If an employee chooses this option, they must submit payment to the District in the amount of any wage replacement payments received.

5.05 Administrative Leave

Administrative leave is available to all employees.

Administrative leave is paid leave authorized at the discretion of the Executive Director, or designee. It may be used in circumstances not covered by other defined leave benefits, such as leave related to a District-wide emergency closure. (See District Procedure 100.115.)

5.06 Bereavement Leave

Bereavement leave is available to all employees and may be taken for the death of a family or household member.

Full-time employees are allowed up to 40 hours of bereavement leave per instance, prorated for part-time employees as stated above.

Documentation may be required.

5.07 Leave without Pay

Leave without Pay is available to all employees.

Employees may request up to twelve (12) consecutive months of leave without pay (LWOP).

Leave without Pay is limited to a total of 4,160 hours during the employee's time with the District, prorated for part time employees.

Leave Without Pay may be approved for reasons such as: educational, military, personal, professional (job-related), child rearing, or legal requirements, when such leave will not operate to the detriment of the service or operation of the District.

Leave without pay may also be granted as required by federal or state law.

An employee requesting leave without pay must submit a written request to the Human Resources Director as far in advance as possible, preferably at least 60 days before the leave is to begin. The request must include the projected beginning and ending dates of LWOP, as well as the reason(s) for the request.

The Executive Director has sole authority to approve LWOP requests.

Unless taking leave under Washington Paid Family & Medical Leave (PFML), an employee must use all accrued PTO leave prior to taking LWOP. Unless otherwise prohibited by applicable law, the employee's anniversary date(s) will be adjusted by the length of leave in excess of one pay period.

For LWOP periods of at least a full calendar month, not covered by state or federal leave programs, benefits-eligible employees will be terminated from group coverage and may be eligible for health coverage directly from the District benefits provider, under the Consolidated Omnibus Reconciliation Act (COBRA). When the employee returns from LWOP, they may be eligible for a special enrollment period for health benefits.

At the end of leave without pay, the employee may be allowed to return to either their original position, or to an available position for which the employee is qualified. The Executive Director has final authority to reinstate and will consider any applicable state or federal laws and the operational requirements of the District.

5.08 Court-Related Leave

All employees are eligible for court-related leave.

Court-related Leave is allowed when:

- The employee is required to serve as a juror or appear as a witness in a matter other than one personal to the employee; and
- The employee serves on a day which would have been a regularly scheduled workday.

Court-related leave is not allowed in matters in which the employee is a litigant such as a petitioner, respondent, plaintiff, or defendant.

Employees may be required to submit proof of days and hours of service whenever court-related leave is claimed. Any fees or allowances paid to an employee by the court may be retained by the employee.

Employees released from court-related responsibilities (as referenced above) during their regularly scheduled work hours are required to immediately report to work. Failure to do so may result in disciplinary action up to and including termination.

5.09 Military Leave

RCW 49.77.010 Military Family Leave

RCW 49.77.030: Entitlement to leave—Employment protection—Notice requirement—Administration. (wa.gov)

The District will comply with Washington state law regarding military leave for public employees (RCW 38.40.060), as well as the provisions of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and the federal Family and Medical Leave Act (FMLA).

Employees serving as members of the Washington National Guard or of any organized reserve or armed forces of the United States, shall be entitled to and granted up to twenty-one (21) days of paid military leave per year (beginning October 1, and ending the following September 30) when ordered to report for required military duty, training, or drills, including those in the National Guard or state active status.

This leave shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled and shall not involve any loss of status or pay.

During the period of military leave, the employee shall receive their regular pay for the days they are scheduled to work, up to the twenty-one (21) days entitlement.

Employees should provide at least five (5) days' notice of their intent to take leave and present a copy of their military orders to their supervisor before commencing their military leave, whenever possible.

5.10 Leave for Victims of Domestic Violence (RCW 49.76)

All employees shall be allowed to take reasonable leave from work, intermittent leave, or work on a reduced schedule, with or without pay, to:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members;
- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking; or attend to health care treatment for a victim who is the employee's family member;
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking;
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking ([RCW 49.76.030](#)).

Such leave may be paid or unpaid depending on available paid leave and applicable federal, state, and local law.

Employees should give advance notice of the need for leave whenever possible. The District may require documentation to support the request for leave. This may include:

- A police report indicating the employee or employee's family member was a victim.
- A court order providing protection to the victim.
- Documentation from a healthcare provider, advocate, clergy, or attorney.
- An employee's written statement that the employee or employee's family member is a victim and needs assistance.

For the purposes of this section, RCW 49.76 states that family relationship may be determined by birth certificate, court document or other similar record or a statement from the employee. For purposes of this leave type, family members include a child, spouse, state registered domestic partner, parent, parent-in-law, grandparent, or person the employee is dating.

5.11 Federal Family and Medical Leave Act (FMLA)

The District provides leaves of absence to eligible employees in keeping with the requirements of the federal Family and Medical Leave Act (FMLA). Typically, an employee will be eligible for FMLA after 12 months of employment with the District, and a minimum of 1,250 work hours for the District. Use of PTO does not count toward the minimum work hours requirement.

For purposes of this section, the following definitions apply:

- **Child:** Will include a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in loco parentis (i.e., in place of a parent), who is under 18, or older than 18 if incapable of self care because of a mental or physical disability.
- **Parent:** Biological, adoptive, or step-parent, or individual who stood in loco parentis to an employee when the employee was a child.
- **Spouse:** A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage.

The District calculates an employee's FMLA year as the 12-month period measured forward from the date of the first FMLA leave usage.

Employees will be required to use accrued paid leave concurrently with FMLA leave, unless their leave also qualifies for Washington State Paid Family and Medical Leave.

FMLA will run concurrent with Worker's Compensation leave.

If an eligible employee notifies the District of an illness or health condition that could qualify for FMLA coverage, or if the District becomes aware of such, the District will initiate the appropriate FMLA notice and related paperwork and any time off will be designated as FMLA leave unless the District receives credible medical information that the employee does not qualify for FMLA leave.

During FMLA leave, the District will continue to pay its portion of the employee's health insurance premiums. If applicable, employee is responsible for arranging payment of their portion of the health insurance premiums to the Finance Office while on FMLA leave. Failure to do so may result in cancellation of the employee's health insurance benefits.

Should an employee fail to return to work at the conclusion of FMLA leave, the District is entitled to recover from the employee any health benefit premiums paid under this section, unless the reason is the continuation, onset, or recurrence of a serious health condition.

5.12 Washington Family Care Act – RCW 49.12.265

In accordance with the Washington Family Care Act (FCA), all employees with accrued paid leave such as PTO may take FCA leave to care for a family member with a serious health issue. FCA may be used for an employee to take care of a pregnant spouse or a registered domestic partner, during and after childbirth.

Under RCW 49.12.265,

- Family member is defined as spouse, registered domestic partner, child, parent, parent-in-law, grandchild, or grandparent.
- “Child” includes a child under the age of eighteen (18) years, and an adult child with a disability.

Because the District definitions regarding who leave may be taken to care for are more generous than those in RCW 49.12.265, the definitions shown in the applicable sections of District policy will apply.

5.13 Washington State Paid Family and Medical Leave

Paid Family and Medical Leave (PFML) is a statewide insurance program administered by the Employment Security Department (ESD) that provides eligible Washington employees with paid time off to give or receive care. Under this program, qualified employees are allowed to take up to 12 weeks, as needed:

- To welcome a child into their family (through birth, adoption, or foster placement)
- If an employee:
 - Experiences a serious illness or injury
 - Needs to care for a seriously ill or injured relative
 - Needs time to prepare for a family member’s pre- and post-deployment activities, as well as time for childcare issues related to a family member’s military deployment.

Employees who face multiple events in a year may be eligible to receive up to 16 weeks, and up to 18 weeks if for a serious health condition during pregnancy that results in incapacity.

During PFML covered leave, the District will continue to pay its portion of the employee’s health insurance premiums. If applicable, the employee is responsible for arranging payment of their portion of the health insurance premiums to the Finance Office while on PFML leave. Failure to do so may result in cancellation of the employee’s health insurance benefits.

PFML wage replacement benefit does not count as wages for purposes of DRS retirement credit.

5.14 Volunteer Emergency Services Leave

In accordance with RCW 49.12.460, an employee who is a volunteer firefighter, reserve peace officer or member of the Civil Air Patrol will not be subject to discipline or termination when an

emergency call, fire alarm or emergency service operation prevents them from being on time for their scheduled shift, leaving early during a scheduled shift or for missing a scheduled shift.

An employee shall make every reasonable effort to notify their supervisor and/or follow absence reporting procedures regarding the need to take leave.

In the case of a volunteer firefighter working at, or returning from, a fire alarm or emergency call that causes the employee to be late or miss work, the on-scene commander must order the firefighter to remain at the scene. Training and other non-emergency activities do not qualify.

A reserve peace officer, as defined in RCW 41.24.010, must be called to an emergency for this section of policy HR05 to apply.

A member of the Civil Air Patrol must be involved in an emergency service operation as defined in RCW 49.12.460 for this section of policy HR05 to apply.

5.15 Vaccination Leave

All employees are eligible to take up to three (3) hours per year to receive regular, routine vaccinations listed by the CDC as "Recommended Vaccines by Disease," as well as the COVID-19 vaccine.

The Executive Director will establish administrative procedures necessary to implement this policy. In accordance with the administrative procedures, any appeal of an administrative action under this policy will first be made in writing to the Executive Director.

Any subsequent appeal of Executive Director action and/or decision will be made in writing to the Board of Trustees.

The District will make a good faith effort to implement this policy in a fair and consistent manner.