

POLICY: HR05 – Leave

APPROVAL DATE: 01/01/1982

REVISION DATE: 08/18/2020

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 & Medical Leave Act
-

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

5.01 Holiday Leave

Employees working twenty (20) or more hours or more per week are eligible to receive paid holiday leave.

Eligible employees will be compensated for eight (8) hours holiday time on designated holidays. This time shall be prorated for part-time eligible employees.

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

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
Independence Day	July 4
Labor Day	September - first Monday
Veteran’s Day	November 11
Thanksgiving Day	November - fourth Thursday
Day after Thanksgiving	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, compensated holiday hours will be converted to vacation leave and added to the employee’s vacation leave balance after January 1 of the following year.



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A holiday occurring during an employee's vacation, sick leave, or other paid 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 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 unpaid holiday leave shall not be deemed approved unless it has been authorized in writing by the employee's supervisor.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

5.03 Vacation Leave

Employees working twenty (20) or more hours per week and who have successfully completed their Introductory period are eligible to use Vacation leave. If the Introductory period is extended due in no part to the employee, Vacation leave may be used after the date of which the Introductory period would have ended.

The leave will begin accruing beginning with their first full payroll cycle.

Vacation leave may be used in minimum units of one-quarter hour. Should an employee become ill while on vacation, they may request to substitute sick leave for vacation. The District may require medical certification to support this request.

Eligible employees who are in pay status for fifty percent or more of a payroll period shall be credited with the following vacation leave accruals:

FLSA Exempt employees begin accruing vacation at the rate of 128 hours per year prorated over all payroll periods to the nearest one-hundredth of an hour. An additional 4 hours of vacation leave per year shall be accrued for each full year of employment up to a maximum rate of 192 hours per year.

FLSA Eligible Nonexempt employees begin accruing vacation at the rate of 116 hours per year prorated over all payroll periods to the nearest one-hundredth of any hour. An additional 4 hours of vacation leave per year shall be accrued for each year of employment, up to a maximum rate of 180 hours per year.

Eligible part-time employees shall have their vacation leave accrued and computed to the nearest one-hundredth of an hour on a prorated basis based upon the weekly hours worked.



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Vacation Leave will be posted to an employee's account at the end of each payroll period in which the vacation hours are earned. Vacation leave may not be used before it is accrued and posted. Employees may not submit vacation leave in excess of their accrued balance. (See Section 5.09 Leave Without Pay.)

Vacation Leave balances will carry over from one calendar year to the next, up to a maximum of 240 hours. If an employee's accrued vacation leave exceeds 240 hours on December 31, the balance will be reduced to 240 hours on January 1, and the employee will permanently forfeit and not be compensated for the excess hours.

This balance restriction will be modified for balances held on December 31, 2020, as a one-time adjustment due to the COVID-19 closure(s). Employees will be allowed to carry over up to 280 hours of vacation leave into 2021.

Changes in Accrual Rates

The date for beginning vacation leave accrual shall be the initial hire date to a position entitling the employee to benefits.

When an employee is promoted, demoted, or reclassified, the date used for vacation accrual will remain as above. If an employee moves to a position with a different accrual rate, the accrual rate will be adjusted effective as of that date.

An employee's vacation accrual rate shall advance on an annual basis to the next increment for the full payroll period in which the employee's hire or anniversary date occurs, whichever is appropriate, until the maximum accrual rate is reached.

Vacation Leave Cash Out

Vacation leave may be cashed out under the following circumstances:

- Annually staff may cash out a portion of their accrued vacation, with the following restrictions. These restrictions are being modified for the 2020 cash-out period only, due to the impact of the COVID-19 pandemic.
 - During the month of December, full-time staff may request to cash out up to 40 hours of leave. This amount shall be prorated for part-time staff. For 2020, the maximum cash out will be 80 hours of leave.
 - Full-time staff must have used a minimum of 80 hours of vacation leave during the current calendar year. This amount shall be prorated for part-time staff. For 2020 only, this requirement will be waived.
 - Following the cash out, a minimum balance of 200 hours must remain. This amount shall be prorated for part-time staff.
- When an employee separates from employment, unused accrued vacation leave and any earned, but unused holiday leave (up to a total maximum of 240 hours), shall be compensated by a single payment included in the last paycheck. If an employee separates during the period between August 18, 2020, (the approval date of these one-time policy revisions) and December 31, 2020, up to 280 hours of vacation leave will be cashed out. This is a one-time waiver applicable only during the aforementioned time period, due to the impact of the COVID-19 pandemic.



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- New employees who separate from employment for any reason before the successful completion of their Introductory period will not be compensated for any accrued vacation leave.

5.04 Sick Leave

All employees are eligible to accrue sick leave.

Sick leave may be used after completion of the first payroll period when the accrued leave has been posted and may be used in minimum units of one-quarter hour.

Full-time employees who are in pay status for the complete payroll period shall accrue 96 hours of sick leave per year, prorated over all payroll periods. Sick leave balances will carry over from one calendar year to the next, up to a maximum of 960 hours

Part-time employees will have their sick leave prorated based on the actual number of hours in a pay status in the pay period, but will not earn less than 1 hour of leave for every 40 hours worked.

Earned sick leave will be posted to an employee's account at the end of each payroll period. If the employee submits sick leave in excess of their accrued and posted balance, the Business Office will charge the excess to vacation leave. (See Sections 5.05 Shared Leave and 5.09 Leave Without Pay).

Sick leave may be taken for the following reasons:

- Injury, illness, disability or medical care of the employee.
- Injury, illness, disability or medical care of 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 or more consecutive work days due to illness or injury.
- The employee requests sick leave to care for a family or household member as referenced above.
- There appears to be a pattern of sick leave usage.

Sick Leave Cash Out

Sick leave cash out is based on years of employment with the District, as defined in this section.

When an employee, who has been with the District for three (3) years or longer, separates from District employment, accrued sick leave, up to a maximum of 960 hours, will be paid as follows:



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- Three (3) to fifteen (15) years of continuous service – one (1) hour will be paid for every three (3) hours of available leave.
- Fifteen (15) years of continuous service and greater – one (1) hour will be paid for every two (2) hours of available leave.

Following this payment, the sick leave balance will be eliminated.

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

Per RCW 49.12.265, any sick 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.

5.05 Shared Leave

Shared Leave is available to all employees who have successfully completed their Introductory period.

All District-paid leave must be exhausted before an employee will be eligible to use Shared Leave.

An employee may request Shared Leave for injury, illness, disability or medical care of the employee or the employee’s family or household member (See Section 5.04, Sick Leave) under the following conditions:

- The employee is not eligible for wage replacement benefits due to a workplace injury under RCW 51.32. If such benefits are approved at a later time, any donated leave shall be returned to the donors, and the employee will return any and all overpayments to the District.
- The employee is not receiving benefits under the Washington state Paid Family and Medical Leave. If such benefits are found to have been used at the same time as District Shared Leave, the employee will be responsible reconciling for any overpayment by the state plan.

The employee must submit a request for Shared Leave to the Human Resources Director accompanied by a medical certification by a health care provider verifying the condition and the expected duration of the need for leave. The medical certification requirement may be waived, at the discretion of the Human Resources Director.

Recipient:

- Use of Shared Leave will be limited to a maximum of 240 hours per year for full-time employees and this limit will be prorated for part-time employees.

Donor:

- Donations of sick leave must be made in one-hour increments.
- Employees must maintain a balance of at least 80 hours of sick leave following the donation. These requirements shall be prorated for part-time employees.
- The names of those who donated sick leave will be kept confidential.



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Shared Leave compensation is ineligible earnings for calculating PERS contributions and service credit for the recipient, pursuant to WAC 415-108-468.

The Executive Director has final approval authority for Shared Leave requests.

5.06 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 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 sick or vacation 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.

5.07 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.)

5.08 Bereavement Leave

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

Employees are allowed up to four (4) paid work days of bereavement leave per instance. These days need not be consecutive.

Documentation may be required.

5.09 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). Such requests are limited to up to twenty-four (24) total months during the employee's time with the District.



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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 vacation leave, and, if applicable, all sick and/or shared 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 longer than 30 days, 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.

5.10 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 work day.

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.



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5.11 Military Leave

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.

5.12 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 for 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.



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- 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.

5.13 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 and a minimum of 1,250 work hours for the District. Use of leave such as vacation and sick 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 under state law for purposes of marriage in the state where the employee resides.

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, 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. The employee is responsible for arranging payment of their portion of the health insurance premiums while on FMLA leave, if applicable. 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.



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5.14 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 sick, vacation, or holiday 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.

5.15 Washington State Paid Family & 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 your 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.

Payment of premiums

The program is funded by premiums that may be paid by both employees and employers. Employers can choose to either withhold a portion of the premium from their employees or pay the full premium. At this time, the District pays the full premium for this benefit.

Taking leave

Effective January 1, 2020, employees who have worked 820 hours in the qualifying period (equal to 16 hours a week for a year) will be able to apply to take paid medical leave or paid family leave. The 820 hours are cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of the year counts toward the 820 hours, including part-time, seasonal and temporary work.



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While on leave, employees are entitled to partial wage replacement. That means an employee will receive a portion of their average weekly pay. The benefit is generally up to 90 percent of the weekly wage, with a minimum of \$100 per week and a maximum of \$1,000 per week. Employees will be paid by the Employment Security Department rather than the District.

Protections

Employees who return from leave under this law will be restored to a same or equivalent job if they work for an employer with 50 or more employees, have worked for this employer for at least 12 months, and have worked 1,250 hours in the 12 months before taking leave (about 24 hours per week, on average).

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

The District is prohibited from discriminating or retaliating against employees for requesting or taking Washington State Paid Family & Medical leave.

5.16 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.

The Executive Director will establish administrative procedures necessary to implement this policy. Any appeal of an administrative action under this policy will first be made in writing to the Executive Director and then to the Board of Trustees.

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



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