# 1570.400 EXEMPT LEAVE PROCEDURE

This procedure provides guidance to exempt staff and supervisors in addressing employee’s time away from work. This procedure is to be used in conjunction with applicable state and federal laws and college policies and procedures.

The college recognizes that employees have occasions to be absent from work and, therefore, provides a variety of leave intended to enable employees to balance their personal life and work responsibilities.

This procedure covers the following areas (direct link to each section):

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| A. [Approval or Denial of Leave](#Approval_or_Denial_of_Leave) | M. [Miscellaneous Paid Leave](#Miscellaneous_Paid_Leave)* EAP, Interviews and Examinations
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 |
| B. [Bereavement Leave](#Bereavement_Leave) |
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| H. [Family Medical Leave](#Family_Medical_Leave) | R. [Shared Leave](#Shared_Leave) |
| I. [Inclement Weather & Suspended Operations](#Inclement_Weather_Suspended_Operations) | S. [Sick Leave](#Sick_Leave) |
| T. [Temporary Disability Leave](#Temporary_Disability_Leave) |
| J. [Leave Without Pay](#Leave_Without_Pay) | U. [Vacation (Annual Leave)](#Vacation_Leave) |
| K. [Military Leave](#Military_Leave)L. Military Family Leave | V. Washington State Uniformed Service Shared Leave Pool (USSLP) |

## A. APPROVAL OR DENIAL OF LEAVE

Upon the employee's request for leave, the supervisor shall approve or deny the request for absence per this procedure. Failure to receive prior approval of leave, as described in this procedure, may be cause for denial of the leave request or designation of the absence as unauthorized. Unauthorized absence will be treated as unauthorized leave and may be grounds for separation or discipline.

Conflicting requests for vacation and personal holiday leave shall be handled in a fair and equitable manner in accordance with departmental procedures.

The employee may be required to submit a written statement from a health care provider explaining the requirement to be absent if charging the time to sick leave.

## B. BEREAVEMENT LEAVE

Up to three days of paid bereavement leave will be granted for the death of any family member or household member that requires the employee’s absence from work. Family members are defined as mother, father, stepmother, stepfather, sister, brother, mother-in-law, father-in-law, domestic partner’s mother, domestic partner’s father, husband, wife, domestic partner, grandparent, grandchild, son, daughter, stepchild, and a child in the custody of and residing in the home of an employee. In addition to paid bereavement leave, the college may approve an employee's request to use paid leave, (sick leave, vacation leave, and/or personal holiday leave).

## C. CIVIL DUTY LEAVE

### 1. In accordance with this procedure, the college will grant a leave of absence with pay when an employee is required to report for jury duty service, to serve as a trial witness, or other subpoenaed civil duties. An employee may keep any compensation received for serving as a jury member or as a trial witness.

### 2. An employee will inform their supervisor when notified of a jury summons or subpoenaed civil duties and will cooperate in requesting a postponement of jury duty service if warranted by business demands.

### 3. Employees must submit a leave request form for absence due to civil duty leave in accordance with this procedure as soon as possible to their supervisor. The college may require documentation or verification of civil service.

## D. DOMESTIC VIOLENCE LEAVE

In accordance with the Domestic Violence Leave Act, [RCW 49.76](https://apps.leg.wa.gov/rcw/default.aspx?cite=49.76&full=true), an employee who is a victim, or a family member of a victim of domestic violence, sexual assault, or stalking as defined in [RCW 49.76.020](https://apps.leg.wa.gov/RCW/default.aspx?cite=49.76.020), may request to use a reasonable amount of sick leave, vacation, personal holiday or leave without pay.

For the purposes of domestic violence, sexual assault, or stalking provisions within RCW 49.76, “family member” is defined in [RCW 26.60.020](https://apps.leg.wa.gov/RCW/default.aspx?cite=26.60.020) and also includes a domestic partner or person with whom the employee has a dating relationship.

The employee shall give their supervisor advance notice of the intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or their designee must give notice to their supervisor no later than the end of the first day that the employee takes such leave. Notice shall be consistent with requesting leave or reporting an absence as stated in this procedure. The college may require the request for leave under this section be supported by verification in accordance with [RCW 49.76.040](https://apps.leg.wa.gov/RCW/default.aspx?cite=49.76&full=true" \l "49.76.040).

## E. FAITH OR CONSCIENCE LEAVE

### 1. Leave without pay will be granted for up to two workdays 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. Leave without pay may only be denied if the employee’s absence would impose an undue hardship on the employer as defined by [WAC 82-56-020](https://apps.leg.wa.gov/wac/default.aspx?cite=82-56-020) or the employee is necessary to maintain public safety.

### 2. The college will allow an employee to use personal holiday or vacation leave in lieu of leave without pay. All requests to use personal holiday or vacation leave requests must indicate the leave is being used in lieu of leave without pay for a reason of faith or conscience. An employee’s personal holiday must be used in full workday increments.

### 3. Employees will only be required to identify that the request for leave is for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

### 4. When requesting leave under this section, an employee must give at least 14 calendar days’ notice to the supervisor. The employee and supervisor may agree upon a shorter time frame. Unpaid leave for this purpose must not be denied due to not meeting the timeframe.

## F. FAMILY CARE EMERGENCY LEAVE

A family care emergency is a circumstance which causes an employee's inability to report for or continue scheduled work because of a serious situation or occurrence that happens unexpectedly and demands immediate action related to the employee's responsibility to provide care for the employee's family member such as unexpected absence of the regular care provider, unexpected closure of a child's school, unexpected need to pick up a child at school earlier than normal, or unexpected closure of an assisted living facility.

For purpose of family care emergency leave, "family member" includes: spouse, registered domestic partner, household member or the employee's/spouse's/registered domestic partner's minor/dependent child, parent or grandparent.

No advance approval is required for an employee to take time off for a family care emergency; however, the employee must notify the supervisor at the beginning of the absence. The employee may be required to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

## G. FAMILY CARE LEAVE

In accordance with the Washington State Family Care Act, [WAC 296-130](https://apps.leg.wa.gov/wac/default.aspx?cite=296-130&full=true) employees may use sick leave, vacation, and/or all or part of a personal holiday, to care for a child of the employee with a health condition, or a spouse, state registered domestic partner as defined in [RCWs 26.60.020](https://apps.leg.wa.gov/RCW/default.aspx?cite=26.60.020) and [26.60.030](https://apps.leg.wa.gov/RCW/default.aspx?cite=26.60.030), parent, parent-in-law, or grandparent who has a serious health condition. Use of such leave must be in accordance with the request and approval process as outlined in this procedure.

## H. FAMILY MEDICAL LEAVE

See WVC policy 500.200 Family Medical Leave.

## I. INCLEMENT WEATHER AND SUSPENDED OPERATIONS

See WVC procedure 1500.600 Suspended Operations and College Closure.

## J. LEAVE WITHOUT PAY

### 1. Leave Without Pay Request and Approval

Although leave without pay for exempt employees is fairly uncommon, there are times when it can be approved without jeopardizing the position’s exemption status. Supervisor’s should only approve leave without pay requests for the reasons listed under #2 below and work with the human resources office if needed.

An employee should submit requests for leave without pay according to the procedure used for the corresponding paid leave type for which it is being substituted (e.g., vacation leave, sick leave, bereavement leave, etc.). Leave without pay for which the supervisor has specifically granted approval is considered "approved leave without pay." Leave without pay may be considered "unapproved" when an employee is placed on leave without pay for reasons such as, but not limited to, unauthorized absence from work or failure to provide required verification for the need for an absence.

With the exception of professional leave, leave without pay requests will generally be approved or denied within 14 calendar days of the request. If the leave request is denied, a reason will be provided in writing.

Normally, eligible paid leave should be used before a supervisor approves leave without pay.

### 2. Leave Without Pay Use

Leave without pay may be granted for the following reasons:

#### a. For absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

##### i. Permission for its use has not been sought or has been sought and denied.

##### ii. Accrued leave has been exhausted.

##### iii. The employee chooses to use leave without pay.

#### b. For absences due to a budget-required furlough. Such absences shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

#### c. Absences for one or more days for personal reasons other than sickness or disability.

#### d. Educational leave.

#### e. An employee’s serious health condition, serious health condition of an eligible employee's child, spouse, registered domestic partner or parent or other leave as provided in WVC policy 500.200 Family Medical Leave.

#### f. Military leave. See Section K: Military Leave.

#### g. Military family leave. See Section L: Military Family Leave.

#### h. Parental leave. See Section N: Parental Leave.

#### i. Family care emergencies. See Section G: Family Care Emergency Leave.

#### j. Bereavement or condolence. See Section B: Bereavement Leave.

#### k. Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability.

#### l. Employees receiving time loss compensation.

#### m. When an employee who is a volunteer firefighter is called to duty to respond to a fire, natural disaster, or medical emergency.

#### n. Domestic violence leave. See Section D: Domestic Violence Leave.

#### o. Professional Leave. See WVC policy 570.410: Exempt Professional Leave.

#### p. Faith or conscience leave. See Section E: Faith or Conscience Leave.

Leave without pay for other reasons may be granted to full-time employees upon approval of the president for up to one year. Terms and conditions of such leaves will be agreed to in writing.

## K. MILITARY LEAVE

Employees will be entitled to military leave with pay not to exceed 21 working days during each year, beginning October 1 and ending the following September 30, in order to report for required military duty, when called, or to take part in training or drills including those in the National Guard or state active status. [(RCW 38.40.060)](https://apps.leg.wa.gov/rcw/default.aspx?cite=38.40&full=true" \l "38.40.060)

### 1. Such leave will be in addition to any vacation and sick leave to which an employee is entitled and will not result in any reduction of benefits, performance ratings, privileges or pay.

### 2. During military leave, the employee will receive the normal base pay. Employees required to appear during working hours for a physical examination to determine physical fitness for military service will receive full pay for the time required to complete the examination.

### 3. In addition to 21 working days of paid leave granted to employees for active duty or active training, employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in [RCW 73.16](https://apps.leg.wa.gov/RCW/default.aspx?cite=73.16).

## L. MILITARY FAMILY LEAVE

In accordance with the Military Family Leave Act, [RCW 49.77](https://apps.leg.wa.gov/rcw/default.aspx?cite=49.77&full=true), leave will be granted to an employee whose spouse or state registered domestic partner as defined by [RCWs 26.60.020](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.020) and [26.20.030](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.030) is on leave from deployment or before and up to deployment, during a period of military conflict. Use of leave without pay, compensatory time, vacation leave, sick leave and all or part of a personal holiday is limited to a combined maximum of 15 working days per deployment. Employees must provide the college with five business days’ notice after receipt of official notice that the employee’s spouse or state registered domestic partner will be on leave or of an impending call to active duty.

## M. MISCELLANEOUS PAID LEAVE

### 1. Leave with pay will be granted for the following reasons:

#### a. To allow an employee to receive assessment from the employee assistance program (if the college subscribes to the program).

#### b. To take an examination or participate in an interview for a position with the college or other Washington state agency or institution during scheduled work hours.

#### The employee may be required to provide verification of the examination or interview. No more than four hours of leave of absence with pay per fiscal year for travel and interviews will be approved.

#### c. When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.

### 2. Leave with pay may be granted for the following reasons:

#### a. To perform unpaid civil duties including but not limited to fire fighting and search and rescue efforts. Civil duty is defined as unpaid service provided as a moral obligation of an ordinary citizen to aid with the protection of life or property by performing functions for which the employee has received training.

#### b. To donate blood.

### 3. Life-Giving Procedures

When approved, employees will receive leave of absence with pay, not to exceed five working days in a two year period, for participating in life-giving procedures. “Life-giving procedure” is defined as a medically-supervised procedure involving the testing, sampling, or donation of blood, platelets, organs, fluids, tissues, and other human body components for the purposes of donation, without compensation, to a person or organization for medically necessary treatments. Employees will provide reasonable advance notice and written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.

This leave authorization is in compliance with Executive Order No. [02-01](https://www.digitalarchives.wa.gov/GovernorLocke/eo/eo_02-01.htm).

Employees shall submit requests for leave with pay in accordance with this procedure as soon as possible to their supervisor.

Additional time off must be charged to applicable paid leave or leave without pay if no applicable paid leave is available. Requests for miscellaneous paid leaves may be denied based upon operational necessity.

## N. PARENTAL LEAVE

Parental leave will be granted to a permanent employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.

### 1. Parental leave will not total more than six months, and will run concurrently with leave granted under the federal family and medical leave act (FMLA) or the Washington family leave act (WFLA), and any pregnancy disability leave following the birth or placement of a child.

### 2. Requests for parental leave that exceed the provisions of the FMLA, may be denied on the basis of operational necessity.

### 3. Parental leave must be taken during the first year following the child’s birth or placement of the child with the employee for adoption or foster care.

### 4. Only permanent employees or employees who have worked for the state for at least 12 months and for at least 1250 hours during the previous 12-month period qualify for parental leave.

### 5. The employee will submit a written request for parental leave to their supervisor and must receive the approval prior to taking parental leave. The employee will provide not less than 30 days’ notice, except that if the child’s birth or placement requires leave to begin in less than 30 days, the employee will provide notice as is practicable.

### 6. Parental leave may be a combination of the employee’s accrued vacation leave, sick leave for pregnancy disability or other qualifying events, personal holiday or leave without pay.

## O. PERSONAL HOLIDAY LEAVE

Employees who are scheduled to be, or have been, continuously employed by the state of Washington for at least four months are entitled to one personal holiday per calendar year. Full-time employees receive eight hours of regular pay on a personal holiday. Part-time employees are entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

### 1. Personal holiday leave must be requested and approved in accordance with this leave procedure and must be used by the end of each calendar year or it will be eliminated.

### 2. An employee's request to use their personal holiday for the following reasons:

#### a. For their own “personal” use.

#### b. To donate to another employee for shared leave as provided in WVC policy 500.375: Shared Leave.

#### c. To care for a minor/dependent child with a health condition that requires treatment or supervision.

#### d. To care for a spouse, registered domestic partner as defined by [RCWs 26.60.020](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.020) and [26.20.030](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.030), parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

#### e. For domestic violence leave. See Section D: Domestic Violence Leave.

#### f. For military family leave. See Section L: Military Family Leave.

## P. PROFESSIONAL LEAVE

Employees may be eligible for professional leave in accordance with WVC policy 570.410: Exempt Professional Leave.

## Q. REQUESTING OR REPORTING ABSENCES

For all instances of absence from work, including but not limited to those described in this procedure, an employee shall submit the request using the standard WVC leave request process to their immediate supervisor in advance of the requested leave date.

When it is not possible for the employee to provide advance notice of the need to be absent and obtain advance approval, the employee shall provide the immediate supervisor a leave request form as soon possible.

Employees shall call their immediate supervisor or designee before their shift if unable to work their assigned shift and daily thereafter unless prearranged to do otherwise.

## R. SHARED LEAVE

Employees are eligible for shared leave in accordance with WVC policy 500.375, Shared Leave.

## S. SICK LEAVE

### 1. Sick Leave Accrual

#### a. Full-time employees will earn eight hours of sick leave per month and part-time employees earn sick leave on the same pro rata basis that their appointment bears to a full-time appointment. An employee is not entitled to use sick leave in advance of its accrual. Some positions, as designated by the human resources director/designee, may not be eligible for sick leave or such leave may not be compensable upon termination.

#### b. Full-time and part-time employees with more than 10 working days of leave without pay in a month do not earn a monthly accrual of sick leave. For purposes of this procedure, a “working day” is defined as eight hours (prorated for part-time employees).

### 2. Sick Leave Request, Approval, Reporting and Verification

#### a. Use of sick leave is subject to the supervisor's approval. Where the need to use sick leave is foreseeable, as for medical appointments, the employee must notify the supervisor of the need to use sick leave as soon as the need becomes known. The employee will use the college’s leave request process. Where the need to use sick leave cannot be foreseen, the employee must notify the supervisor of the need to use sick leave no later than the start of the shift on which the employee is scheduled to work, and each day after, unless there is mutual agreement to do otherwise. If an employee is in a position where a relief replacement is necessary if they are absent, he or she will notify the supervisor at least two hours prior to the scheduled time to report to work (excluding leave taken for emergencies in accordance with the Domestic Violence Leave Act).

#### b. The college may require a written medical certificate for any sick leave absence explaining the nature of the illness or absence in circumstances where the college suspects an abuse of sick leave.

#### c. An employee returning to work after any sick leave absence may be required to provide written certification from his or her health care provider that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.

### 3. Sick Leave Use

Sick leave may be used for the following:

#### a. A personal illness, injury, or medical disability that prevents the employee from performing his or her job, or personal medical or dental appointments.

#### b. To care for a minor/dependent child with a health condition requiring treatment or supervision.

#### c. To care for a spouse, registered domestic partner as defined by [RCWs 26.60.020](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.020) and [26.20.030](https://apps.leg.wa.gov/rcw/default.aspx?cite=26.60&full=true" \l "26.60.030), parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.

#### d. For family care emergencies. See Section G: Family Care Emergency Leave.

#### e. For family members' health care appointments when the presence of the employee is required if arranged in advance with the supervisor or designee.

#### f. To care for relatives of an employee’s household member, which is limited to a spouse’s or registered domestic partner’s child, grandchild, grandparent or parent.

#### g. For domestic violence leave. See Section D: Domestic Violence Leave.

#### h. For military family leave. See Section L: Military Family Leave.

#### i. For parental leave. See Section N: Parental Leave.

#### j. For condolence or bereavement. See Section B: Bereavement Leave.

#### k. When an employee is unable to report to work due to inclement weather in accordance with WVC procedure 1500.600 Suspended Operations and College Closure.

#### l. To donate as shared leave in accordance with WVC policy 500.375: Shared Leave.

### 4. Sick Leave While on Vacation

In the event an employee is injured or becomes ill while on vacation leave, the employee may submit a written request to use sick leave and have the equivalent amount of vacation leave restored. The supervisor may require a written medical certificate.

### 5. Sick Leave Annual and Retirement Cash Out

See WVC procedure 1500.350 Sick Leave Buy-Out (Attendance Incentive and VEBA Programs).

### 6. Sick Leave Restored After Reemployment

Former state employees who are re-employed within five years of leaving state service will be granted all unused sick leave credits they had at separation.

## T. TEMPORARY DISABILITY LEAVE

Temporary disability leave will be granted to a permanent employee who is precluded from performing his or her job duties because of a disability (including those related to pregnancy or childbirth). Temporary disability leave includes a serious health condition of the employee as provided under family medical leave.

### 1. Temporary disability leave will not total more than 12 months, and will run concurrently with leave granted under family medical leave.

### 2. The temporary disability and recovery period will be as defined and certified by the employee's licensed health care provider. The employee will provide, in a timely manner, a copy of such certification to the human resources office.

## U. VACATION LEAVE

### 1. Vacation Leave Accrual

#### a. Full-time employees will earn 16 hours of vacation leave per month and part-time employees earn vacation leave on the same pro rata basis that their appointment bears to a full-time appointment. An employee is not entitled to use vacation leave in advance of its accrual. Some positions, as designated by the human resources director/designee, may not be eligible for vacation leave or such leave may not be compensable upon termination.

#### b. Full-time and part-time employees with more than 10 working days of leave without pay in a month do not earn a monthly accrual of vacation leave. For purposes of this procedure, a “working day” is defined as eight hours (prorated for part-time employees).

### 2. Vacation Leave Requests and Approval

#### a. Vacation requests must be approved in advance, except as noted under number 4 below. Vacation requests will be considered on a first come, first served basis. In the event that two or more employees request the same vacation period, the supervisor may limit the number of people who may take vacation leave at one time due to business needs and work requirements.

#### b. When considering requests for vacation leave, the supervisor will take into account the desires of the employee but may require that leave be taken at a time convenient to the college.

#### c. Employees will not request or be authorized to take scheduled vacation leave if they will not have sufficient vacation leave to cover such absence at the time the leave will commence.

#### d. Vacation leave requests will be approved or denied within 10 calendar days of the request. If the leave request is denied, a reason will be provided in writing.

### 3. Vacation Leave Use

An employee can use vacation leave without advance approval under the following conditions:

#### a. As a result of the employee's serious health condition.

#### b. To care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.

#### c. To care for a minor/dependent child with a health condition that requires treatment or supervision.

#### d. For parental leave. See Section N: Parental Leave.

#### e. For domestic violence leave. See Section D: Domestic Violence Leave.

#### f. For military family leave. See Section L: Military Family Leave.

#### g. Employees may donate vacation leave as shared leave in accordance with WVC policy 500.375: Shared Leave.

#### h. Faith or conscience leave. See Section E: Faith or Conscience Leave.

Approval for the reasons listed above may be subject to verification that the condition or circumstance exists.

### 4. Vacation Leave Cancellation

#### a. Should the college be required to cancel scheduled vacation leave because of an emergency or exceptional business needs, affected employees may select new vacation leave from available dates. In the event the affected employee has incurred non-refundable, out of pocket, vacation expenses, the employee may be reimbursed by the college.

#### b. In those cases where an employee will not have sufficient vacation leave to cover the absence at the time it is scheduled to commence, the college may cancel the approved vacation leave or authorize leave without pay. Should the college cancel the vacation leave due to insufficient vacation leave, the affected employee will not be reimbursed for any vacation expenses.

### 5. Vacation Leave Maximum

Employees may accumulate a maximum vacation balance not to exceed 240 hours. However, there are two exceptions that allow vacation leave to accumulate above the maximum:

#### a. Unused vacation leave earned within the current college year (in addition to the 240-hour maximum previously accumulated) which is not used by the end of that current college year (August 31), may be deferred to the end of the next college year only if advance written authorization from the president is received by July 1. A copy of the president’s authorization must be sent to human resources to help facilitate the deferral process.

##### i. Unused vacation leave (in excess of the 240-hour maximum) deferred to the end of the next college year which is not used by August 31 of that year will be eliminated.

#### b. An employee may also accumulate vacation leave days in excess of 240 hours as long as the employee uses the excess balance prior to August 31. Any leave in excess of the maximum that is not deferred in advance of its accrual as described above, will be lost.

### 6. Payout of Unused Vacation Leave

An employee, who resigns, retires, is laid-off or is terminated by the college, will be entitled to be paid (to a maximum of 240 hours) of unused vacation leave. In addition, the estate of a deceased employee will be entitled to payment for unused vacation leave (to a maximum of 240 hours).

## V. WASHINGTON STATE UNIFORMED SERVICE SHARED LEAVE POOL (USSLP)

Employees are eligible for USSLP in accordance with WVC policy 500.380, Uniformed Service Shared Leave Pool.

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Related policies and procedures

 570.400 Exempt Leave Policy