

**WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave?** An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

- (1) The employee:
  - (a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature;
  - (b) Has been called to service in the uniformed services;
  - (c) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath and volunteers their services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;
  - (d) Is a victim of domestic violence, sexual assault or stalking as defined in RCW 41.04.655;
  - (e) Is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;
  - (f) Is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments;
  - (g) Needs the time for parental leave as defined in WAC 357-31-395(3); or
  - (h) Is sick or temporarily disabled because of a pregnancy disability as defined in WAC 357-31-395(4).
- (2) The condition(s) listed in subsection (1) of this section is likely to cause, the employee to go on leave without pay status or terminate state employment.
- (3) The employee's absence and the use of shared leave are justified.
- (4) The employee has depleted or will shortly deplete leave in accordance with WAC 357-31-435. If the employee qualifies under subsection (1)(g) or (h) of this section the employee is not required to deplete all of their vacation leave or sick leave in accordance with WAC 357-31-435.
- (5) The employee has abided by employer rules regarding:
  - (a) Sick leave use if the employee qualifies under subsection (1)(a), (d), (g), or (h) of this section; or
  - (b) Military leave if the employee qualifies under subsection (1)(b) of this section.
- (6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

[Statutory Authority: Chapter 43.01 RCW. WSR 18-17-130, § 357-31-390, filed 8/20/18, effective 9/21/18. Statutory Authority: 2017 c 173. WSR 17-18-030, § 357-31-390, filed 8/28/17, effective 10/2/17. Statutory Authority: Chapter 41.06 RCW. WSR 15-11-102, § 357-31-390, filed 5/20/15, effective 6/22/15; WSR 11-19-091, § 357-31-390, filed 9/20/11, effective 10/24/11; WSR 10-23-120, § 357-31-390, filed 11/17/10, effective 12/18/10; WSR 08-15-043, § 357-31-390, filed 7/11/08, effective 10/1/08; WSR 08-07-063, § 357-31-390, filed

3/17/08, effective 4/18/08; WSR 07-17-126, § 357-31-390, filed 8/20/07, effective 9/20/07; WSR 05-08-139, § 357-31-390, filed 4/6/05, effective 7/1/05.]