

Employee Leave Guide



King County

Benefits, Payroll and
Retirement Operations

This guide summarizes the different types of leave available to full-time and part-time regular, provisional, probationary and term-limited temporary employees in the executive branch departments and offices. However, because administrative procedures related to leave can differ across the county (due to factors such as different job responsibilities, work schedules and **collective bargaining agreements**), consult with your supervisor and/or your human resources service delivery manager or designee to confirm that the information in this guide applies to you.

Always notify your supervisor before you take leave and when you return from leave; your supervisor must approve any leave request. In some cases, your human resources service delivery manager or appointing authority (someone with hiring authority for your work unit) may need to approve your leave request, too.

Your supervisor and human resources service delivery manager can also advise you of any **forms** (available at <http://www.kingcounty.gov/employees/benefits/LeaveAdministration/Forms.aspx> or other documentation needed to process your leave request, including a return to work notice.

This Employee Leave Guide may also be found online at <http://www.kingcounty.gov/employees/benefits/LeaveAdministration/ToolsAndResources.aspx>

For more information, please refer to:

- Chapter 3.12 of the King County Code (http://www.kingcounty.gov/council/legislation/kc_code.aspx).
- The 2005 Personnel Guidelines (on the intranet at (<http://ohrm.metrokc.gov/policy/personnelguidelines05.doc>) Represented employees should refer to their **collective bargaining agreement** (<http://www.kingcounty.gov/employees/HumanResources/laborcontracts.aspx>).
- Family and Medical Leave Act: Section 29 of the Code of Federal Regulations (<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>).
- Washington Family Leave Act: Chapter 49.78 of the Revised Code of Washington (RCW) (<http://apps.leg.wa.gov/RCW/default.aspx?cite=49.78>)
- Washington Family Care Act: Title 296 of the Washington Administrative Code (WAC) (<http://apps.leg.wa.gov/WAC/default.aspx?cite=296-130>).
- Pregnancy, Childbirth and Related Conditions: Title 162 of the Washington Administrative Code (WAC) (<http://apps.leg.wa.gov/WAC/default.aspx?cite=162-30-020>).

The provisions of this guide confer neither new privilege, right of employment, right of appeal, right of position, transfer, demotion, promotion, reinstatement nor any other right for any individual. This guide does not constitute an express or implied contract. It provides general guidance that cannot form the basis of a private right of action. Should information in this guide conflict with the law or **collective bargaining provisions** or binding practices, the latter will prevail. The information set forth in this guide is subject to change and may be modified, suspended or revoked without notice in whole or in part.

Call 206-684-1556 for alternate formats.

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Leave Law Eligibility Chart

	FMLA	KCFML	WFCA	WFLA	MFLA
Self	Yes	Yes	No	Yes	No
Spouse	Yes	Yes	Yes	Yes	Yes
Domestic Partner	No	Yes, with affidavit	Yes, if state registered	Yes, if state registered	Yes, if state registered
Child	Yes	Yes	Yes	Yes	No
Spouse's Child	Yes	Yes	Yes	Yes	No
Domestic Partner's Child	No	Yes	Yes	Yes	No
Employee's Grandparent	No	No	Yes	No	No
Employee's Parent	Yes	Yes	Yes	Yes	No
Spouse's Parent	No	Yes	Yes	No	No
Domestic Partner's Parent	No	Yes	Yes	No	No
Employee's 'in loco parentis'	Yes	Yes	Yes	Yes	No
Spouse's 'in loco parentis'	No	Yes	Yes	No	No
Domestic Partner's 'in loco parentis'	No	Yes	Yes	No	No
Next of kin	Yes, if leave is for military service member	No	No	No	No

Administrative Leave with Pay

You may be required to take administrative leave with pay if your department director determines that circumstances exist making your absence from the workplace to be in the best interests of the county (e.g., a workplace investigation or a safety concern.) The leave is not disciplinary, nor is it subject to appeal.

(Reference: Personnel Guidelines, 14.10)

Bereavement Leave

You may take up to three days of paid bereavement leave per calendar year to grieve the death of an immediate family member who is your: spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner, and child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

If you exhaust your three days of bereavement leave for the year, you may use up to three days of sick leave for each death of an immediate family member. If no sick leave benefit is authorized or exists, you may request the use of other paid leave, compensatory time or leave without pay to extend your leave (see "Leave of Absence without Pay" on page 13). Holidays or regular days off that occur during bereavement leave do not count toward the leave.

Bereavement leave days are administered in full-day increments, which are the hours that employees are generally scheduled to work that day. For those on alternative work schedules, the hours received for bereavement leave would be their usual full scheduled day (i.e., an FLSA-exempt employee whose regular work schedule consists of ten hours a day will be given ten hours of bereavement leave for one day).

For FLSA-exempt employees, use of bereavement leave for full-day absences will be made in full-day increments, regardless of generally scheduled work hours, resulting in no reduction of salary, sick-leave balance or vacation-leave balance. For example, an FLSA-exempt employee with a schedule of five eight-hour days who takes two days of bereavement leave will receive 16 hours (2 days x 8 hours = 16 hours) of bereavement leave pay. The employee who has an alternative schedule of four 10-hour days and takes two days of bereavement leave will receive 20 hours (2 days x 10 hours = 20 hours) of bereavement leave pay.

(Reference: Personnel Guidelines, 14.9; King County Code 3.12.210)

Compensatory Time

An hourly employee may request in advance of working overtime to be granted compensatory time off in lieu of receiving overtime pay. Approval of such a request is at the discretion of the hourly employee's division director or designee or as otherwise determined by department policies. The approval must be based on the business needs of the county or department.

Compensatory time may not be earned without prior approval. Compensatory time may only be granted pursuant to the applicable provisions of a **collective bargaining agreement** or, for non-represented hourly employees, an agreement or understanding arrived at between the supervisor and the hourly employee before the performance of the work.

Compensatory time shall be granted in lieu of overtime at the same ratio as would have been used for pay purposes; that is, one and one-half hours for each hour worked over 40 in a workweek. Compensatory time may not be used before it has been earned and its use has been approved. An hourly employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operations of the agency.

The compensatory time balance for an hourly employee shall not exceed 80 hours at any point in time; however, department directors may establish lower limits on the maximum balance of compensatory time.

Compensatory time shall be used during the calendar year in which it is earned unless such utilization is not feasible due to the work demands of the position. If this occurs, the hourly employee may request and the department director or designee may approve the carryover of a maximum of 40 hours of compensatory time. Any approved carryover of compensatory time must be used or paid out in the first

quarter of the year. Hourly employees will be paid for all unused compensatory time on the final paycheck in December, except for any approved carryover.

At the written request of an hourly employee to be paid for any or all unused compensatory time, the department shall promptly pay the hourly employee.

(Reference: Personnel Guidelines, 12.3-12.4; Executive Policy PER 8-2-1)

Domestic Violence Leave

Employees who are victims or who are family members of victims of domestic violence, sexual assault or stalking may take a reasonable period of leave to receive medical treatment, attend legal proceedings, or address safety concerns.

(Reference: Personnel Guidelines, 12.3-12.4; Executive Policy PER 18-5-2)

Emergency Closure Leave

A department director may officially close a department because of adverse weather conditions or safety concerns and order employees not identified as first responders or mission-critical to leave the premises. First responders or mission-critical employees are those employees considered by a department director to be critical in maintaining or reestablishing services when an emergency occurs (check your department's emergency response plan for additional information).

If you are not a first responder or mission-critical employee and this occurs, you are paid for your normally scheduled workday, unless you requested and were approved for other leave (vacation or sick leave, compensatory time off or leave of absence) before the emergency closure. If you were approved for other leave, your time off is deducted from your leave accruals as previously arranged.

If you are a short-term temporary employee and emergency closure is invoked, you are paid only for the hours you actually work.

If you are a first responder or mission-critical employee, you are required to work despite emergency conditions. However, if you cannot work and you are an FLSA-nonexempt employee (which means you are paid hourly and are eligible for overtime), you must use accrued vacation leave or compensatory time. If you cannot work and you are an FLSA-exempt (which means you are paid on a salaried basis and are not eligible for overtime), you must use accrued vacation leave or executive leave. Otherwise, your work time is charged as leave without pay for the scheduled workday.

If your department remains open but weather or other safety concerns prevent you from reporting to work, notify your supervisor as soon as possible. You may request and your supervisor may approve use of vacation leave, compensatory time, executive leave or leave of absence without pay to cover your absence; however, sick leave may not be used to cover your absence.

(Reference: Personnel Guidelines, 14.14)

Examination Leave

Employees eligible for leave benefits will be entitled to regular paid time off as necessary in order to take county qualifying or promotional examinations when applying for positions. This includes time required to complete any required interviews that are scheduled during the employee's working hours.

Time off with pay does not include time required to complete an application, letter of qualification or interest, questionnaire or resume. It also does not include examinations or interviews that are scheduled during the employee's nonworking hours.

(Reference: Personnel Guidelines, 8.2; King County Code 3.12.200)

Executive Leave

If you are an FLSA-exempt employee, you may be granted up to 10 days (80 hours) of paid executive leave each calendar year at the discretion of your director. You must use executive leave in the calendar year that it is granted or you forfeit it – it cannot be carried over, cashed out (except for certain Local 519 exempt employees who may cash out up to four days of executive leave) or donated. You must also use executive leave you have been granted before you change classifications, transfer to another county agency or separate from employment, or you forfeit it.

(Reference: Executive Policy PER 8-1-2)

Family and Medical Leave

If you have had an employment relationship with King County for at least 12 months (a total of all time employed by King County within the previous seven years) and have worked enough hours in the preceding 12 months (hours worked versus hours paid, such as for holidays, vacation and sick leave), you are eligible to take job-protected leave for certain family and medical reasons. Depending on your needs, there are several laws and ordinances that apply to family and medical leave.

You are eligible for family and medical leave under the **Family and Medical Leave Act (FMLA)** if you have worked 1,250 hours during the 12 months immediately preceding your leave request. If you are a full-time Local 587 employee, you must have worked 1040 hours, and if you are a part-time Local 587 employee, you must have worked 510 hours during the 12 months immediately preceding your leave request.

The **Washington Family Leave Act (WFLA)** runs concurrently with FMLA. You are eligible for leave under WFLA if you have worked 1,250 hours during the 12 months immediately preceding your leave request. You are eligible for up to 12 weeks of leave in a rolling 12-month period, and leave must be used within 12 months of a qualifying event.

You are eligible for family and medical leave under **King County Family and Medical Leave (KCFML)** if you have worked 1,040 hours (if you are scheduled to work 40 hours a week), or 510 hours (if you are a part-time Local 587 employee) during the 12 months immediately preceding your leave request (unless your **collective bargaining agreement** states differently, in which case your **collective bargaining agreement** prevails.)

Under FMLA, you are eligible for up to 12 weeks of leave in a rolling 12-month period, beginning with any paid leave you have available (if the leave is for yourself) and continuing as unpaid leave when your paid leave ends.

Under KCFML, you are eligible for up to 18 weeks of unpaid leave within a rolling 12-month period, concurrent with any unpaid FMLA leave and any donated leave you use. However, if you have taken leave under FMLA/WFLA/KCFML during the 12 months immediately preceding your latest request, your maximum allotment is reduced by the amount you have already used.

For family and medical leave purposes, King County has adopted a rolling year, which is calculated 12 months backwards from the first day of leave. For example, if you have taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If you used four weeks beginning February 1, 2007, four weeks beginning June 1, 2007, and four weeks beginning December 1, 2007, you would not be entitled to any additional leave until February 1, 2008. However, beginning

on March 1, 2008, you would be entitled to four weeks of leave, on July 1 you would be entitled to an additional four weeks, etc.

Under FMLA eligible employees may take leave for a serious health condition; to care for a child following birth, adoption or placement for foster care; or to care for a spouse, child or parent (or person who stood *in loco parentis*) with a serious health condition. Leave is limited to 12 weeks in a rolling 12-month period.

Under WFLA, eligible employees may take leave for a serious health condition; to care for a child following birth, adoption or placement for foster care; or to care for a spouse, Washington State registered domestic partner (DP), child (or the child of your spouse or registered DP) or the employee's parent (or person who stood *in loco parentis*) with a serious health condition. Leave is limited to 12 weeks in a rolling 12-month period.

Under KCFML, you may take leave for your own serious health condition; to care for your child after birth, adoption or placement for foster care; or to care for your spouse, child or parent (or person who stood *in loco parentis*) with a serious health condition; or to care for a domestic partner, domestic partner's child, or domestic partner's parent (or person who stood *in loco parentis*) with a serious health condition.

(You may use accrued sick leave and other paid or compensatory time to care for certain other family members as identified in the "Washington Family Care Act;" see page 13. Also, see "Sick Leave" on page 15.)

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The "continuing treatment" test for a serious health condition under the regulations may be met through:

- 1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
- 2) any period of incapacity related to pregnancy or for prenatal care,
- 3) any period of incapacity or treatment for a chronic serious health condition,
- 4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
- 5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.

If an employee asserts a serious health condition under the requirement of a "period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition," the employee's first treatment visit (or only visit, if coupled with a regimen of continuing treatment) must take place within seven days of the first day of incapacity (an in-person visit). Additionally, if an employee asserts that the condition involves "treatment two or more times," the two visits to a health care provider must occur within 30 days of the first day of incapacity. Finally, the regulations define "periodic visits" for treatment of a chronic serious health conditions at least twice a year.

How to request family and medical leave

When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment, you must give at least 30 days notice. If 30 days notice is not possible, you are required to provide notice "as soon as practicable." For military family medical leave, you must also provide notice as soon as practicable for foreseeable leave due to a qualifying exigency, regardless of how far in advance such leave is foreseeable. You must comply with your department or work unit's usual and customary notice and procedural requirements for requesting leave. Calling in "sick" is not sufficient notice of family and medical leave.

While you do not need to produce your medical records, you will need to provide medical certification containing sufficient medical facts as certified by your health care provider to establish that a serious health condition exists within 15 business days of a request from your department representative. If the information that you provide is insufficient, you will be informed in writing and will need to provide the missing or illegible information within seven calendar days to your department representative. Representatives of King County Disability Services may directly contact your health care provider for authentication or clarification of the medical certification. You may be required to provide medical recertification to your department representative periodically while on leave when requested by your supervisor or human resources service delivery manager. Incomplete or insufficient medical certifications may delay or result in denial of family and medical leave entitlements. To return to work, you must submit a release from your health care provider.

These forms can be obtained from your human resources service delivery manager or designee or at <http://www.kingcounty.gov/employees/benefits/LeaveAdministration/Forms.aspx>

Notification

The county posts a general notice explaining the FMLA's provisions and provides information regarding procedures for filing a claim and provides additional information regarding the definition of a serious health condition, the new military family leave entitlements, and employer and employee responsibilities. You will find the posting at your worksite together with other employment-related notifications.

When you are notified of your eligibility to take FMLA leave, you will also be notified of the specific expectations and obligations associated with your leave. Among other information included in this notice, you will be required to provide a medical certification from your health care provider of the FMLA-qualifying reason for leave and your right to substitute paid leave (including any conditions related to such substitution, and your entitlement to unpaid FMLA leave if those conditions are not met). If the information included in the notice of rights and responsibilities changes, you will be informed of such changes.

You will be notified as to whether leave will be designated as FMLA leave within five business days of your department representative learning that the leave is being taken for a FMLA-qualifying reason. If you have leave accruals, you will be notified that you must use accruals while you are out on FMLA.

How family and medical leave works

Your human resources designee or supervisor determines the day your FMLA/WFLA leave begins. KCFML begins the first day you are no longer being paid from your own sick leave, vacation leave or other earned leave accruals and/or you use donated leave unless otherwise specified in your **collective bargaining agreement**. (In most cases, for an on-the-job injury, you may opt to go on unpaid leave status and begin KCFML immediately.)

Leave may be taken on a reduced or intermittent work schedule if indicated on the medical certification and is medically necessary for the serious health condition (either your condition or a family member's condition). When leave is taken after the birth or placement of a child for adoption or foster care, you may take leave intermittently or on a reduced leave schedule only if authorized by your appointing authority. If you request intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the appointing authority may require you to transfer temporarily to an available alternative position for which you are qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than your regular position. If you are moved to an alternative position, you are returned to your regular position when the intermittent leave ends.

Prior to using KCFML, any accrued compensatory time must be exhausted. You may choose to either use it as time off or receive a lump-sum cash-out. For your own serious health condition, you must use all of your sick leave before using other leave or going on unpaid leave. (However, if your condition is due to an on-the-job injury, see "Supplementing Workers' Compensation with Paid Leave" on page 19.) After sick leave is exhausted, you may then use vacation.

To care for a family member with a serious health condition, you may use paid leave or unpaid leave. If you use sick leave, at the start of the leave to care for your family member, you must decide whether to reserve 80 hours for your own future sick leave when you submit your Family and Medical Leave Request Form. When you have used all your sick leave except the 80 hours, you may begin using accrued vacation or compensatory leave or go on a leave of absence without pay, if approved by your appointing authority.

Accruals (vacation and sick leave and seniority) stop while you are on unpaid leave, then restart when you return to work.

When using donated leave, the order in which you must use your leave is that you must use all of your own sick leave first, then your donated sick leave. Donated leave runs concurrently with KCFML and is not treated as paid leave because it is not *earned* leave. You also have the option of using accrued vacation leave and donated vacation leave, in that order.

When you use donated leave while on KCFML, you receive the same county-paid health benefits and insurance benefits that you had before you went on KCFML. County-paid health coverage ends on the last day of the month that KCFML ends (your donated leave does qualify you for county-paid health and insurance benefits after KCFML ends).

Benefits coverage

Under FMLA/WFLA/KCFML, you receive the same county-paid health benefits (medical, dental and vision) you had when on paid status immediately before you began leave. If you normally pay a portion of your monthly health benefit premiums including enhancements, Benefits staff will contact you about self-paying to continue health coverage. You will also be contacted about self-paying to continue health coverage under COBRA when FMLA/WFLA/KCFML ends. If you go on unpaid status, Benefits staff will contact you about self-paying to continue any life, accidental death and dismemberment or long-term disability insurance you have.

Returning to work

A medical release to full, part or transitional (light) duty is required from your health care provider before you return to work after your own serious health condition. If you do not submit a release, your return to work may be delayed. Hours worked during a transitional duty assignment do not count against FMLA entitlements. If you need disability accommodation services in relation to returning to work, you must notify your supervisor or human resources service delivery manager or designee and contact the King County Disability Services Office at 206-263-4507 or, if you work in the Transit Division, at 206-684-1179.

Your job is protected while on FMLA/WFLA/KCFML. However, these protections do not apply if your job is eliminated due to a bona fide workforce reduction or if you do not return to work by the expiration date of your leave. Failure to return by the expiration date may be cause for removal and may result in termination of your employment.

(Reference: Personnel Guidelines, 14.4; King County Code 3.12.220; Family and Medical Leave Act 29 CFR 825; Revised Code of Washington (RCW) 49.78)

► Service Member Family Leave

The federal Family and Medical Leave Act of 1993, Section 1, as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585 (NDAA) provides service member family leave to eligible employees to care for a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active military duty. An eligible employee is the spouse, son, daughter, parent, or next of kin of the injured service member. "Next of

kin” means the nearest blood relative of the service member other than the service member’s spouse, parent, son or daughter in the following order:

- A blood relative that the service member has designated (in writing) as the caregiver;
- Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions
- Brothers and sisters
- Grandparents
- Aunts and uncles
- First cousins

Where there are multiple family members with the same level of relationship to the service member, each may be deemed the next of kin and provide care to the service member under the FMLA on either a consecutive or concurrent basis. A husband or wife who are eligible for FMLA leave are limited to a combined total of 26 workweeks of leave to care for the injured service member. Caregiver leave is only to care for service members currently in the military, including those who are seriously ill or injured service members on the temporary disability retired list. Covered service members do not include retired members or service members on the permanent disability retired list.

Service Member Family Leave is available during a single 12-month period during which eligible employees are entitled to a combined total of 26 weeks of all types of FMLA leave (an employee who takes 14 weeks of Service Member Family Leave may still be eligible for 12 weeks of Family Medical Leave in a 12-month period). Service Member Family Leave may be taken intermittently or on a reduced-schedule basis and is administered in accordance with general Family Medical Leave Act requirements.

► **Qualifying Exigency Leave**

The NDAA also provides that eligible employees are allowed up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son/daughter (of any age) or parent of the employee is on active duty, or has been notified of an impending Federal call to active duty status in support of a contingency operation. This may be taken intermittently or on a reduced-schedule basis and is administered in accordance with general Family Medical Leave Act requirements. A qualifying exigency may include:

- Issues arising from a covered military member’s short notice deployment (e.g., less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member’s absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the duty or call to active duty status of the covered military member;

- Taking up to five days of leave to spend time with a covered temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of the covered military member;
- Any other event that the employer and employee agree is a qualifying exigency.

► **Washington State Military Family Leave Act (MFLA)**

The Washington State Military Leave for Public Employees RCW 38.40.060, as Amended by the Military Family Leave Act 2008 (MFLA) SB 6447 (MFLA) also provides up to 15 days of unpaid leave of absence from work for an employee whose spouse or Washington State registered domestic partner is on leave from deployment, or before and up to deployment, during a period of military conflict. (County employees may use accrued vacation leave, compensatory time leave or executive leave, if they choose.) MFLA applies to all employees who work an average of 20 hours per week or more, regardless of the length of their employment with King County. An employee must provide notice of the employee's intention to take leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty.

For a complete definition of a serious health condition, reference the laws found on page one of this guide.

► **Washington Family Care Act**

The Washington Family Care Act is a separate law from FMLA and allows you to choose to use earned sick leave or other paid time off to care for a covered family member with certain health conditions. You cannot use this leave if you do not have paid leave. If you take leave under WFCA and it qualifies under FMLA, your leave is also counted as FMLA leave. WFCA does not provide additional time off (paid or unpaid) beyond what you already have. You must still follow applicable procedures for taking leave when requesting use of your sick leave or other paid time off under WFCA.

Under the Washington Family Care Act, you may use sick leave or other paid time off to care for your

- Child (biological, adopted, foster or stepchild; legal ward or child for which you are standing in as the parent) under 18 who has a:
 - Medical condition requiring treatment or medication the child cannot self-administer
 - Medical or mental health condition that would endanger the child's safety or recovery without your presence or
 - Condition warranting treatment or preventive care, such as physical, dental, optical or immunization services, when you must be present to authorize the treatment
- Child 18 or older with a mental or physical disability that makes the child incapable of self-care who has a:
 - Medical condition requiring treatment or medication the child cannot self-administer
 - Medical or mental health condition that would endanger the child's safety or recovery without your presence or
 - Condition warranting treatment or preventive care, such as physical, dental, optical or immunization services, when you must be present to authorize the treatment

- Spouse, Washington state registered domestic partner (DP), parent (or someone standing *in loco parentis* for you), the parent of your spouse or registered DP or grandparent (but not your spouse or domestic partner's grandparent) with a serious or emergency health condition:
 - Requiring an overnight stay in a hospital or other medical care facility
 - Resulting in a period of incapacity or treatment or recovery following inpatient care
 - Continuing treatment under the care of a health care services provider that includes any period of incapacity (for example, inability to work or perform other regular daily activities).

(Reference: Revised Code of Washington (RCW) 49.12; Washington Administrative Code (WAC) 296-130)

► **Pregnancy, Childbirth and Pregnancy-Related Conditions**

Female employees disabled because of pregnancy, childbirth or pregnancy-related conditions are eligible for leave for a period of time that she is sick or temporarily disabled. This leave is in addition to FMLA/WFLA. The employer may require medical certification from your health care provider for leave. You may choose to take this leave as paid or unpaid leave. If you take paid leave using your leave accruals, you are afforded the same county-paid health benefits (medical, dental and vision) and insurance coverage you had immediately before you began leave. If you take this leave as unpaid, Benefits staff will contact you about self-paying to continue health coverage under COBRA. In addition, Benefits staff will contact you about self-paying to continue any life, accidental death and dismemberment or long-term disability insurance you have.

(Reference: Washington Administrative Code (WAC) 162-30-020)

Jury Duty Leave

All employees are required to report earnings for jury duty fees to his or her department director in accordance with King County Code 3.12.240. You must return any jury duty fees (excluding mileage) to the Finance and Business Operations Division.

You must contact your supervisor immediately following your dismissal from jury duty. If you are dismissed during regularly scheduled work hours, you will be required to report back to work the same day.

(Reference: Personnel Guidelines, 14.13; King County Code 3.12.240; 29 C.F.R. § 541.602(b)(3); Washington Administrative Code (WAC) 296-128-532(4)(c))

Holiday Pay

The following holiday information applies to most county employees, but may differ for you, depending on your **collective bargaining agreement**. As advised at the beginning of this guide, consult with your supervisor and, if needed, your human resources service delivery manager or designee to confirm the applicability of this information.

Observed Holidays

The county observes 10 holidays each year, as described in the following table.

Holiday	Day
New Year's Day	January 1
Martin Luther King, Jr. Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4

Holiday	Day
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25

When a holiday falls on Saturday, the preceding Friday is the paid holiday; when it falls on Sunday, the following Monday is the paid holiday. The county may also observe special or limited holidays declared by the president or governor, or other days in lieu of the holidays when approved by the county council.

The pay you receive for observed holidays and whether you work or do not work the holidays is based on your job responsibilities, work schedule and **collective bargaining agreement**.

An employee must be eligible for leave benefits and in a pay status on the day prior to and the day following a holiday to be eligible for holiday pay; provided, however, that an employee who has successfully completed at least five years of county services and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday.

FLSA-exempt employees are required to work the hours needed to perform their duties and will receive their normal rate of pay for the workweek regardless of whether or not they work on a holiday and regardless of whether they are on a standard or alternative work schedule.

Hourly employees' holiday pay is eight hours for employees with a 40-hour workweek, seven hours for employees with a 35-hour workweek and prorated for employees with part-time schedules. Holiday pay will be administered as follows for hourly employees:

When a holiday lands on an hourly employee's regular day off but because of workload he or she is required or authorized to work, the employee will be paid for the hours worked and, at the discretion of management, may either be paid for the holiday or may take holiday leave on an hour-for-hour basis at another time that is agreed to by the supervisor and the employee (a delayed holiday). However, the holiday must be used within 60 days after the official county holiday for which it was earned.

When a holiday lands on an hourly employee's regular day off and the employee does not work, the employee at the discretion of management shall take the holiday on the workday immediately preceding the regularly scheduled day off or the employee may take holiday leave on an hour-for-hour basis at another time that is agreed to by the supervisor and the employee (a delayed holiday). However, the holiday must be used within 60 days after the official county holiday for which it was earned.

When a holiday lands on an hourly employee's regular workday and the employee works that day, the employee will be paid for the hours worked and, at the discretion of management, may either be paid for the holiday or may take holiday leave on an hour-for-hour basis at another time that is agreed to by the supervisor and the employee (a delayed holiday). However, the holiday must be used within 60 days after the official county holiday for which it was earned.

When the holiday lands on an employee's regular work day and the employee does not work that day, the employee is paid the number of hours of holiday pay.

(Reference Executive Policy PER 8-2-1)

► **Personal Holidays**

Benefit-eligible employees receive two personal holidays a year credited to your vacation leave balance, provided you are eligible for leave benefits. The first personal holiday is credited in the pay period that includes October 1 and the second is credited in the pay period that includes November 1. Probationary employees are eligible to use their two personal holidays before completion of probation. The vacation credited is eight hours for a full time employee and prorated hours for an employee working less than forty hours in a workweek.

(Reference: Personnel Guidelines, 14.2; King County Code 3.12.230)

Leave of Absence without Pay

Any employee that is eligible for leave benefits may take, with prior approval, a leave of absence without pay. A leave of absence without pay (LWOP) may be used for medical and non-medical purposes. Once you have exhausted your protected family and medical leave of absence entitlements you must secure an approved leave of absence without pay. When an LWOP is used in conjunction with paid leave time, all paid leave time must be used first. Leave without pay may be taken for a leave under 30 calendar days and for leaves of 31 days or more. If your leave is in conjunction with a workers' compensation claim, you are not required to complete a leave of absence without pay form. For more information see your department human resources manager or designee.

Benefits coverage

If your unpaid leave is 30 calendar days or less, any county-paid health and insurance coverage you receive continues uninterrupted.

If your unpaid leave is initially scheduled to last 31 or more calendar days or if your short-term unpaid leave extends beyond 31 calendar days then your county-paid health and insurance coverage ends at the end of the month in which the unpaid leave began. To continue receiving medical benefits you must self-pay for coverage through the COBRA benefit administered by King County's COBRA vendor. To continue receiving basic and supplemental insurances (life, AD&D, LTD) you must self-pay coverage using the self-pay letter that will be provided to you by the Benefits office.

If you enter an unpaid status due to a workers' compensation claim, your benefits will end at the end of the month in which you enter an unpaid status.

LWOP is considered a gap in county employment. Gaps in your county employment may affect your seniority and retirement service credit and may extend your probationary period if you are on probation when you take the leave. Once you enter an unpaid status under a leave without pay your sick leave, vacation leave and other benefit accruals stop. For details, talk with your human resources service delivery manager or designee.

► **An LWOP for the medical condition of the employee**

Requesting a leave of absence without pay for employee medical reasons

When requesting an LWOP for your own medical reason, you must submit the appropriate form in accordance with your department policy. An LWOP for up to 30 days must be authorized in writing by your appointing authority. An LWOP of 31 days or more requires additional authorization by the Disability Services Section of the Human Resources Division (the leave may not exceed one year unless special circumstances apply and the Human Resources Director grants the extension). The

LWOP should be requested 45 days before the end of your Protected Family and Medical Leave of absence.

If the unpaid leave is due to your own medical condition you must use the medical Leave of Absence Without Pay Form available at <http://www.kingcounty.gov/employees/benefits/LeaveAdministration/Forms.aspx>. For more information see your department human resources manager or designee.

Returning to work

If you take leave to recover your own health, your department director will require you to submit a medical release concerning your ability to perform the essential functions of your job before you may return to work.

The Human Resources Director may revoke your leave of absence without pay if your appointing authority provides evidence that it was granted and approved under false pretenses or if the need for your leave has ceased to exist. If you fail to return from a leave of absence without pay when your leave expires, you may be terminated from county service.

► An LWOP for non-medical reasons

Requesting a leave of absence without pay

When requesting an LWOP you must submit the appropriate form in accordance with your department policy. An LWOP for up to 30 days must be authorized in writing by your appointing authority. An LWOP of 31 days or more requires additional authorization by the Human Resources Director (the leave may not exceed one year unless special circumstances apply and the human resources director grants the extension).

If the unpaid leave is for any other reason you must use the non-medical Leave of Absence Without Pay Form available at <http://www.kingcounty.gov/employees/benefits/LeaveAdministration/Forms.aspx>. For more information see your department human resources manager or designee.

Returning to work

If an LWOP was granted for any reason other than your own medical condition, you are not required to submit a medical release before returning to work. The Human Resources Director may revoke your leave of absence without pay if your appointing authority provides evidence that it was granted and approved under false pretenses or if the need for your leave has ceased to exist. If you fail to return from a leave of absence without pay when your leave expires, you may be terminated from county service.

(Reference: Personnel Guidelines, 14.11; King County Code 3.12.250)

Military Leave of Absence

The Washington Military Family Leave Act 2008 (MFLA) SB 6447 provides up to 21 days of paid annual military leave of absence from work for public employees who serve in the Washington National Guard, armed forces or the armed forces reserves. The annual year is from October 1 to September 30. A qualifying employee is entitled to paid leave for active duty and active training duty and is in addition to any vacation or sick leave the employee has accrued.

To receive military leave, you must submit a written request with a copy of your military orders to your appointing authority with an attached validated copy of the military documents that order the active training duty. Twenty-one workdays refers to your working days and does not require you to take military leave for days that you are not scheduled to work even though you may be required to be engaged in active training. If your military orders require a leave of more than 21 workdays, your appointing authority and director abide by applicable state or federal law regarding military leave.

If you volunteer for or are called to active duty or active duty training in the U.S. Armed Forces (Army, Navy, Air Force, Marines, Coast Guard), including the Reserves, the Army and Air Force National Guards and the commissioned corps of the Public Health Service, and you must leave your regular position with the county, you receive the same county-paid health benefits (medical, dental and vision) and basic life insurance coverage you had when employed with the county until your active duty ceases. When Benefits staff receives notice that you have begun active duty or active duty training, staff contacts you about continuation of benefit coverage, arrangements for paying any benefit premiums you pay through payroll deduction, and options for continuing accidental death and dismemberment and long-term disability coverage.

If you were a member of the reserves or any branch of the uniformed services on or before September 11, 2001, were involuntarily called to active duty and have exhausted your 21 workdays of military leave, you continue to receive your regular base rate of pay from the county, minus your military pay (if your military pay is higher than your county pay, you do not receive supplemental pay from the county).

Organ Donor Leave

If you are leave-eligible, you may take up to five days of paid leave to participate as a donor in a life-giving or life-saving procedure (for example, a kidney transplant, bone marrow transplant or blood transfusion). The leave is not counted as vacation leave or sick leave; however, time off in excess of five working days is subject to these other leave policies.

To qualify for organ donor leave, you must:

- Give your appointing authority reasonable advance notice of the need to take the time off
- Provide written proof from an accredited medical institution, organization or individual that your donation (for example, kidney transplant, bone marrow transplant or blood transfusion) or participation in related medical procedures is critical to a successful outcome and that serious illness, injury, pain or the eventual death of the identified recipient will likely result if you do not donate or participate.

(Reference: Personnel Guidelines, 14.15; King County Code 3.12.215)

School Volunteer Leave

You may use up to three days of sick leave each year to volunteer at your child's school. To do so, you must submit a written request specifying the school's name and the volunteer service you are performing to your appointing authority for approval in advance of the leave.

(Reference: Personnel Guidelines, 14.5; King County Code 3.12.225)

Sick Leave

You accrue sick leave beginning the first of the month following the month you begin your county employment. You earn 0.04616 hours of sick leave for each hour in paid status (excluding overtime) to a maximum of eight hours a month. If you are a uniformed employee covered by Plan 1 of the Law Enforcement Officers' and Fire Fighters' state retirement system, your accruals are different; for details, check with your human resources office.

There is no limit on the hours of sick leave you can accrue, but you may not use it until you have actually accrued it. Also, an employee may not collect sick leave and workers' compensation time loss payments for a physical incapacity due to any injury or occupational illness which is directly traceable to employment other than with the county.

If you are an FLSA-nonexempt employee (hourly) you may use sick leave in half-hour increments at the discretion of your appointing authority. If you are an FLSA-exempt employee (salaried and not eligible for overtime), you must use sick leave in full-day increments; you are not charged sick leave for partial day absences.

Normally, you may not use accrued vacation leave until you have completed six months of service (see "Vacation Leave" on page 15). However, you may use vacation leave to extend your sick leave during your first six months if approved by your appointing authority. If you leave employment before completing six months, you must reimburse the county for any vacation leave used to extend sick leave.

You are allowed to use sick leave for your own:

- Bona fide illness (see "Family and Medical Leave" on page 6 for related information)
- Incapacitating injury (see "Supplementing Workers' Compensation with Sick Leave" on page 20 for related information)
- Exposure to contagious diseases and resulting quarantine
- Medical or dental appointments (if sick leave is approved for this use by your appointing authority)
- Temporary disability due to pregnancy and childbirth (see "Family and Medical Leave" on page 5 for related information).

You are also allowed to use sick leave and other paid leave or compensatory time to care for a family member, including your:

- Child under 18 years old with an illness or health condition requiring treatment or supervision
- Adult child 18 years or older with a disability
- Other family members with serious health or emergency conditions, including your:
 - Spouse/domestic partner
 - Spouse/domestic partner's child
 - Parent or person who stood in loco parentis for you or your spouse/domestic partner
 - Grandparent.

(See "Family and Medical Protected Leave" on page 6 for related information. You may not use sick leave to care for a brother, sister, grandchild, niece, nephew, aunt, uncle or great grandparent of you or your spouse/domestic partner, or the grandparent of your spouse/domestic partner.)

Under certain circumstances, you may also use sick leave for bereavement (see "Bereavement Leave" on page 3) and to volunteer at your child's school (see "School Volunteer Leave" on page 16).

When you use sick leave for your own health condition, you must use all your own sick leave before using donated sick leave or going on unpaid status. After your sick leave is exhausted, you may use vacation leave if approved by your appointing authority or as otherwise provided under the Washington Family Care Act (see "Family and Medical Protected Leave" on page 6 for related information). If you do, you must use your own vacation leave before using donated vacation leave (see "Donating Sick and Vacation Leave" on page 16 for related information).

When you use more than three consecutive days of sick leave for your own serious health condition or to care for a qualified family member, you may qualify for family and medical leave (refer to "Family and Medical Protected Leave" on page 5 for details).

If you leave employment for any reason other than retirement, layoff or medical reasons, your sick leave is cancelled on the date your employment ends. However, if you leave in good standing or are

laid off from a full-time regular or part-time regular position and return to county employment within two years of when you left, your sick leave hours are restored. (They are not restored if your prior county service was as a **term-limited temporary employee** or if you received a payout as a result of retirement.)

When you complete five years of service in good standing and retire (including disability retirement), you are paid for 35 percent of your unused sick leave accrued to the date you leave. The payout amount equals 35 percent of your unused leave multiplied by your regular hourly pay rate on the date you leave, less mandatory withholdings. (If your employment ends because of your death, payment is made to your estate or, in applicable cases, as provided by Revised Code of Washington (RCW) Title 11.)

(Reference: Personnel Guidelines 14.4; King County Code 3.12.220)

Vacation Leave

The following vacation leave information applies to most county employees, but may differ for you, depending on your **collective bargaining agreement**. As advised throughout this guide, consult with your supervisor and, if needed, your human resources service delivery manager or designee to confirm the applicability of this information.

You accrue vacation leave from the date you are hired into a benefit-eligible position according to the following table. If you work less than full time, your vacation accrual is prorated to reflect your normally scheduled workday. You do not accrue vacation leave if you are on unpaid leave.

The maximum vacation leave you may request to carry over from year to year is 60 days or 480 hours, prorated to reflect your normally scheduled workday. You may request approval to carry over excess vacation leave due to cyclical workloads, work assignments or other reasons that may be in the best interest of the county; however, if you do not request approval to carry over excess vacation leave or your request is denied, you forfeit the excess leave. You must use vacation leave in excess of the maximum by the pay period that includes December 31.

Full Years of Service	Annual Days of Leave	Full Years of Service	Annual Days of Leave
Upon hire through the end of year 5	12	Upon beginning year 20	24
Upon beginning year 6	15	Upon beginning year 21	25
Upon beginning year 9	16	Upon beginning year 22	26
Upon beginning year 11	20	Upon beginning year 23	27
Upon beginning year 17	21	Upon beginning year 24	28
Upon beginning year 18	22	Upon beginning year 25	29
Upon beginning year 19	23	Upon beginning year 26 and beyond	30

You may not use or be paid for vacation leave until you have actually accrued it, and if you are a career service, provisional, probationary or term-limited temporary employee, you are not eligible to use or be paid for the leave until you have successfully completed six months of service. If you leave employment before six months, you forfeit your accrued vacation leave and are not paid for it.

Submit requests for vacation leave to your supervisor in accordance with your department or division policy and, if applicable, **collective bargaining agreement**; your supervisor must approve or deny your request. If you are a FLSA-nonexempt employee (hourly) you may use vacation leave in half-hour

increments. If you are FLSA-exempt (salaried), you must use vacation leave in full-day increments; you are not charged vacation leave for any time missed less than a full day.

While you are on vacation leave, you may not be employed for compensation by the county in any capacity.

If you leave in good standing or are laid off from a full-time regular or part-time regular position after completing six months of service and return to county employment within two years of when you left, your prior county service counts in determining your vacation accrual rate. Prior county service as a term-limited temporary employee, however, does not count.

When you leave county employment after completing at least six months of service in good standing, you are paid for up to 60 days of unused vacation leave accrued to the date you leave. The leave is paid at your pay rate on the date you leave, less mandatory withholdings. (If you die after completing at least six months of service, payment is made to your estate or, in applicable cases, as provided by Revised Code of Washington (RCW) Title 11.)

(Reference: Personnel Guidelines, 14.3; King County Code 3.12.190)

Other Leave-Related Things to Know

► Donating Leave to Other Employees and Charitable Organizations

You may donate sick and vacation leave to other benefit-eligible employees. Donations are voluntary; you may not request, offer or receive monetary or any other compensation or benefits in exchange for donations. Two conditions apply to donating leave:

- You must have a sick leave balance over 100 hours to donate sick leave, and you may donate only your hours in excess of 100 to a maximum of 25 hours in a calendar year.
- You may donate any amount of vacation leave as long as it does not cause the recipient to exceed the maximum vacation accrual of 60 days.

Donations must be submitted in writing and approved by your director and the recipient's director. A recipient must use his/her own accrued leave before using donated leave and must use the donated leave within 90 calendar days of receiving it. Any unused donated leave reverts to the donor. Donated leave not returned to the donor is excluded from payoff provisions.

When you donate leave, your hours are converted to a dollar value based on your regular hourly rate at the time you donate, and the dollar value is then converted to hours based on the recipient's regular hourly rate. Any unused donated leave is reconverted based on your regular hourly rate at the time of the reconversion.

Benefit-eligible employees may convert accrued vacation and/or accumulated compensatory hours into a cash donation annually, from approximately the first business day in October through approximately the last business day in November, to benefit one nonprofit organization participating in the King County employee charitable campaign. Upon the occurrence of a natural disaster, the executive may authorize a 45-day opportunity for benefit-eligible employees to sign a written authorization to convert accrued vacation and/or accumulated compensatory hours into cash to benefit one nonprofit organization designated by the executive. The employee's donation must be a minimum of four hours and no more than 40 hours per calendar year, except that an employee who earned excess vacation leave or compensatory hours, or both, beyond the amount that may be carried over into the next fiscal year may donate greater than 40 hours. All other leave donation rules apply.

If an employee dies while performing duties within the scope of his/her employment, the County Executive may provide the opportunity for employees to donate accrued vacation leave or accumulated compensatory time (in full-hour increments, four hours minimum) to benefit any children of the

deceased employee who are under the age of 23 at the time of the employee's death. When this occurs, special instructions and donation forms are made available. If you donate, your hours are converted to cash the same way they are converted for an employee receiving donated sick or vacation leave, and the cash is used to establish a Washington State College/Guaranteed Education Tuition (GET) or other support account for the children.

(Reference: Personnel Guidelines, 14.6; King County Code 3.12.223, 3.12.224)

► **Supplementing Workers' Compensation with Paid Leave**

If you are injured on the job and are receiving time-loss compensation through workers' compensation, you must choose whether to supplement your time-loss compensation payments with paid leave. Once you have chosen whether to supplement or not to supplement, your decision is final; *i.e.*, you cannot start and stop supplementation. If you choose to supplement, you may not simultaneously collect workers' compensation payments and sick leave totaling more than your regular net pay. If you do not opt to supplement your workers' compensation payments with sick leave, you are considered on unpaid leave and must notify King County Safety and Claims in writing at the beginning of the leave.

(Reference: Personnel Guidelines, 14.4.3, King County Code 3.12.220(H)(2)(a))