

Employee Leave Guide



King County

Benefits 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 (Department of Executive Services, Department of Transportation, Department of Public Health, Department of Adult and Juvenile Detention, Executive Office, Department of Development and Environmental Services, Department of Natural Resources and Parks, Office of Information Resource Management, and Department of Community and Human Services). 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 www.metrokc.gov/employees/benefits/paid_and_unpaid_leave/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 www.metrokc.gov/employees/benefits.

For more information, please refer to:

- Chapter 3.12 of the King County Code (www.metrokc.gov/mkcc/code).
- The 2005 Personnel Guidelines (on the intranet at www.metrokc.gov/ohrm/policies/guidelines.htm). Represented employees should refer to their **collective bargaining agreement** (www.metrokc.gov/ohrm/labor/cbaindex.htm).
- Family and Medical Leave Act: Section 29 of the Code of Federal Regulations (<http://dol.gov/esa/whd/fmla>).
- Washington Family Leave Law: Title 49 of the Revised Code of Washington (<http://apps.leg.wa.gov/rcw>).
- 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>).

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 manual 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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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 as defined by the 2005 Personnel Guidelines: 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 11). Holidays or regular days off that occur during bereavement leave do not count toward the leave.

For FLSA (Federal Labor Standards Act) overtime-eligible hourly employees, one day of bereavement leave 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 (*i.e.*, an employee with a 20-hour workweek receives four hours of bereavement pay).

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 submit a written 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. Earning of compensatory time may not be approved for the sole purpose of earning additional paid leave unrelated to the business need of the 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 nonrepresented hourly employees, an agreement or understanding arrived at between the supervisor and the hourly employee before the performance of the work. The substitution of compensatory time for overtime pay must be at the hourly employee's request and must be agreed to by the hourly employee and the employer. A supervisor may not impose the requirement on any hourly employee who has not made such a request.

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. Use of compensatory time shall be requested in advance by the hourly employee in writing.

Requests to use compensatory time must be approved by the supervisor in writing. 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 8-1-1 and 8-2)

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 temporary (other than provisional, probationary or term-limited temporary) or part-time 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 a nonexempt employee (which means you are paid hourly and are eligible for overtime pay under the Fair Labor Standards Act), you must use accrued vacation leave or compensatory time. If you cannot work and you are exempt (which means you are not paid hourly and are not eligible for overtime pay under FLSA), 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 will include 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 exempt from overtime, you cannot accrue compensatory time but may be granted up to 10 days of paid executive leave each calendar year at the discretion of your director. You must use executive leave in the calendar year it's granted or you forfeit it – it cannot be carried over or cashed out (except for certain Local 519 exempt employees who may cash out up to four days of executive leave). You must also use executive leave you've been granted before you change classifications, transfer to another county agency or separate from employment, or you forfeit it.

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

Family and Medical Protected 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) 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: the federal Family and Medical Leave Act (FMLA), the King County Family and Medical Leave (KCFML) ordinance, the Washington Family Leave Act (WFLA), the Washington Family Care Act (WFCA), Washington Administrative Code (WAC) 162-30-020 Pregnancy, Childbirth and Pregnancy Related Conditions, and Leave without Pay (LWOP).

► FMLA/WFLA/KCFML

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), 910 hours (if you are

scheduled to work 35 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've taken leave under FMLA/WFLA/KCFML during the 12 months immediately preceding your latest request, your maximum allotment is reduced by the amount you've used.

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 and WFLA, you may take leave for a 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.

Under KCFML, you may take leave for the same reasons as under FMLA and also to care for a domestic partner with a serious health condition or your domestic partner's child or 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 8. Also, see "Sick Leave" on page 13.)

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity due to pregnancy or prenatal care
- Any period of incapacity or treatment related to inpatient care in a hospital, hospice or residential medical care facility, including subsequent treatment in connection with the inpatient care
- A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, including recovery time, that involves:
 - Two or more treatments by a health care provider, nurse or physician's assistant
 - At least one follow-up treatment by a health care provider resulting in a regimen of continuing treatment under the provider's supervision
- Any period of incapacity due to a chronic ailment that continues over an extended period of time, requires periodic visits to a health care provider and may involve periods of incapacity
- A period of permanent or long-term incapacity due to a condition for which treatment may not be effective but supervision of a health care provider is required.

For a complete definition of a serious health condition, reference the laws noted at the end of this section.

How to request family and medical leave

To request family and medical leave, you must submit a Family and Medical Leave Request Form to your human resources designee or supervisor 30 days in advance when your leave is foreseeable, or as soon as the need is known, or within two days of your return to work if you have been provisionally placed on FMLA/WFLA /KCFML because you have not been able to submit medical certification. You must also submit a Family and Medical Leave Medical Certification Form within 15 business days of a

request from your supervisor or human resources service delivery manager. You may be required to provide medical recertification periodically while on leave when requested by your supervisor or human resources service delivery manager. 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 www.metrokc.gov/employees/benefits/paid_and_unpaid_leave/forms.aspx.

How family and medical leave works

The day your FMLA/WFLA leave begins is determined by your human resources designee or supervisor. 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 **labor agreement**. (In most cases, for an on-the-job injury, you may opt to go on unpaid leave status and begin KCFML immediately.)

For leave due to bonding with a newborn, placement of a foster child or adoption or when caring for an employee's parent, a husband and wife both employed by King County are limited to a combined total of 12 weeks of leave under FMLA.

While using KCFML, the combined leave is applicable to 18 weeks of leave for purposes of bonding with a newborn, placement of a foster child or adoption.

Leave may be taken on a reduced or intermittent work schedule if medically necessary for a 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 Sick Leave" on page 17.) After sick leave and donated sick leave are exhausted, you may use vacation or other paid leave. Using your vacation leave for sick-leave purposes is your option and is not subject to approval by your appointing authority.

To care for a family member, you may use paid leave or unpaid leave. If you use sick leave, at the start of the leave 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've used all your sick leave except the 80 hours, you may begin using accrued vacation 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 and Retirement Operations 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 and Retirement Operations 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 or transitional (light) duty is required 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. If you need disability accommodation services to return to work/perform your job, 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.

If you are not a “key employee” (among the highest paid 10 percent of King County employees), you are restored to your original or equivalent position with equivalent pay, benefits, seniority and other employment terms upon return from protected leave; you do not lose any employment benefits that accrued prior to the start of your leave, and no adverse personnel actions may be taken against you for taking protected leave.

If you are a “key employee,” your job restoration may be delayed or denied if it would cause substantial and grievous economic injuries to county operations.

(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)

► 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 through your **collective bargaining agreement** or other county policies. 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, parent (or someone standing *in loco parentis* for you), parent-in-law or grandparent (but not your domestic partner or domestic partner’s parent, parent-in-law or 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 may be in addition to FMLA/WFLA. The employer may require medical certification 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 and Retirement Operations staff will contact you about self-paying to continue health coverage under COBRA. In addition, Benefits and Retirement Operations 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 and Witness Leave

The county cannot make deductions from pay for absences of an FLSA-exempt employee occasioned by jury duty, attendance as a witness or temporary military leave. However, the county will offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

All employees are required to report earnings for jury duty or witness fees to his or her department director in accordance with King County Code 3.12.240. You must return any jury duty fees or an offset of witness 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 may 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	Holiday	Day
New Year's Day	January 1	Labor Day	First Monday in September
Martin Luther King, Jr. Birthday	Third Monday in January	Veterans Day	November 11
Presidents Day	Third Monday in February	Thanksgiving Day	Fourth Thursday in November
Memorial Day	Last Monday in May	Day after Thanksgiving	Fourth Friday in November
Independence Day	July 4	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 (*i.e.*, an employee with a 20-hour workweek receives four hours of holiday pay). 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 or immediately following 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.

► **Personal Holidays**

You 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.

Whether or not you work an alternative work schedule, you are credited for each personal holiday based on the hours employees in your work unit normally work each day: up to seven hours for a work unit with a 35-hour workweek and up to eight hours for a work unit with a 40-hour workweek. However, if you work less than full time, your personal holiday credit is prorated to reflect your normally scheduled workday.

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

Leave of Absence without Pay

If you are eligible for sick and vacation leave, you are also eligible, with approval, for leave without pay, although this leave is not limited to purposes of recovering health. You may submit a Leave of Absence without Pay Request form in accordance with your department policy. The forms are available at www.metrokc.gov/employees/benefits/paid_and_unpaid_leave/forms.aspx or from your human resources service delivery manager or designee.

An LWOP for up to 30 days must be authorized in writing by your appointing authority. Leave of 31 days to a year 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). Taken in conjunction with a workers' compensation claim, a leave of absence without pay requires no authorization.

You may combine a leave of absence without pay with paid leave. When you do, you must use your paid leave before you go on unpaid status. When you go on unpaid status, your sick leave, vacation leave and other benefit accruals stop, except as provided under family and medical leave (FMLA/WFLA/KCFML). While you are on a leave of absence without pay in excess of 30 days, you do not accrue seniority. In addition, leaves of absence in excess of 30 days, except for family or medical leave or military leave, will result in the loss of paid health and other insured benefits.

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. For details, talk with your human resources service delivery manager or designee.

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 31 days or more, any county-paid health and insurance coverage ends the last day of the month you work before the leave begins. In that case, after Benefits and Retirement Operations staff receives a copy of your approved Leave of Absence without Pay Request Form and you go on unpaid status, staff will contact you on how you may continue your health benefit coverage under COBRA and self-pay your basic and enhanced insurances (life, accidental death and dismemberment and long-term disability.)

You may return to work from a leave of absence without pay before your leave expires if you submit a written request to your appointing authority at least 15 days before the expiration date. If you take leave to recover your 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 do not 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

You may be granted up to 15 paid workdays each calendar year to participate in active military training duty. Days that you are not scheduled to work but are engaged in active training do not count against the 15-workday limit.

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. Fifteen 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 15 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 and Retirement Operations staff receives notice that you've 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 15 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).

► Reemployment of Veterans

Regular career service employees who have taken a military leave of absence will, upon honorable discharge or other proof of having satisfactorily completed military service, be reemployed without loss of seniority. You must apply for reemployment in writing to the department director within 90 days of your honorable discharge. You must return to a position within six months of the honorable discharge, having served no longer than four years. If you are qualified to perform the duties of your former

position, then you will be restored to that position or a position of like seniority, status and salary. If, however, you are not qualified to perform the duties of your former position due to disability sustained during service, but are qualified to perform the duties of another position, you will then be offered employment in another position that will provide you with like seniority, status and pay (not to exceed the top salary step of the range assigned to the position), or to the nearest approximation thereto, consistent with the circumstances of the case. In no event will the county be obligated to reemploy you if the county's circumstances have so changed as to make it impossible, unreasonable or against the public interest to do so.

(Reference: Personnel Guidelines, 14.8, 14.9, 19.5; King County Code 3.12.260 and 262; Executive Policy PER 18.44)

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 family and medical leave, vacation leave, sick leave or leave of absence without pay; 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's no limit on the hours of sick leave you can accrue, but you may not use it until you've actually accrued it. Also, you may not use sick leave (or collect county-paid workers' compensation payments) for physical incapacity due to an injury or occupational illness unless related to your King County employment.

If you are an FLSA-nonexempt employee (which means you are paid hourly and are eligible for overtime pay under the Fair Labor Standards Act), you may use sick leave in half-hour increments at the discretion of your appointing authority. If you are an FLSA-exempt employee (which means you are

not paid hourly and are not eligible for overtime pay under the Fair Labor Standards Act), you must use sick leave in full-day increments; you are not charged sick leave for any time missed less than a full day.

Normally, you may not use accrued vacation leave until you've 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 5 for related information)
- Incapacitating injury (see "Supplementing Workers' Compensation with Sick Leave" on page 17 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 5 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 13).

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 5 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 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; Fair Labor Standards Act)

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.

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.

The maximum vacation leave you may request to carry over from year to year is 60 days, prorated to reflect your normally scheduled workday. For example, 60 days amounts to 420 hours if you work full-time in a 35-hour workweek (seven hours/day) work unit or 480 hours if you work full-time in a 40-hour workweek (eight hours/day) work unit.

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've 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've successfully completed six months of service. However, you may use your accrued two personal holidays prior to six months service, if you are employed when the personal holidays are awarded in October and November. Probationary employees are eligible to use their two personal holidays before completion of probation. 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 (which means you are paid hourly and are eligible for overtime pay under the Fair Labor Standards Act), you may use vacation leave in half-hour increments. If you are FLSA-exempt (which means you are not paid hourly and are not eligible for overtime pay under the Fair Labor Standards Act), 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; Fair Labor Standards Act)

Other Leave-Related Things to Know

► Adjustments to Sick-Leave and Vacation-Leave Balances – Change in Workweek

If the hours in your standard workweek are increased, your sick-leave and vacation-leave accruals at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick-leave and vacation-leave days accrued does not change. For example, if your standard workweek increases from 35 to 40 hours and you have seven hours of sick leave accrued when the change takes place, your sick leave balance would be adjusted upward to eight hours.

(Reference: Personnel Guidelines, 14.8)

► 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 doesn't 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. If you donate vacation leave to supplement a recipient's sick leave, your donation may be denied if it creates a hardship for the receiving department.

A recipient must use his/her own accrued leave before using your 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 the first business day in October through 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; King County Ordinance No. 2006-0292)

► **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. This prompts the start of KCFML, concurrent with FMLA, provided you are eligible for FMLA/KCFML (see "Family and Medical Protected Leave" on page 5).

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