

1 **MEMORANDUM OF UNDERSTANDING**
2 **BETWEEN**
3 **THE EVERGREEN STATE COLLEGE (EVERGREEN)**
4 **AND**
5 **THE WASHINGTON FEDERATION OF STATE EMPLOYEES (UNION)**
6 **CLASSIFIED EMPLOYEES**
7
8 **SHARED LEAVE**
9

10 During the 2026 Washington State Legislative session, SHB 2411 was passed and signed into
11 law. SHB 2411 authorizes shared leave for victims of hate crime and those whose absence is due
12 to immigration enforcement actions against the employee or the employee's relative effective
13 June 11, 2026.
14

15 The parties agree that Article 13, Shared Leave, of the 2025-2027 EVERGREEN-WFSE
16 Classified Employees Collective Bargaining Agreement will be modified as described in the
17 following attachment.
18

19 This MOU will expire on June 30, 2027.
20

21 Attachment: Article 13, Shared Leave
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23 Agreed this __27th__ day of __July_____, 2026
24

25 The Evergreen State College

Washington Federation of State Employees

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28 Laurel R. Uznanski, Lead Negotiator

Ron Heley, Lead Negotiator

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ARTICLE 13
SHARED LEAVE

13.1 Shared Leave

A. The purpose of the leave sharing program is to permit state employees, at no significantly increased cost to the State, to come to the aid of another state employee who is likely to go on leave without pay status or terminate state employment because the employee:

1. Has been called to service in the uniformed services;
2. Is responding to a state of emergency anywhere within the United States declared by the federal or state government;
3. Is taking parental leave to bond with their newborn, adoptive or foster child;
4. Is sick or temporarily disabled because of pregnancy;
5. ~~Has-Is been~~ a victim of domestic violence, sexual assault, ~~or~~ stalking, or a hate crime;
6. Is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition;
7. Is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability; ~~or~~

8. Is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment; ~~or~~

~~8.~~ 9. Is legally authorized to work in the United States and is absent from work due to the involvement of the employee or employee's relative or household member in an immigration enforcement action.

The Employer's shared leave program is administered by the Associate Vice President for Human Resource Services or their designee.

B. For purposes of the leave sharing program, the following definitions apply:

1. "Domestic violence" means physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members or intimate partner as defined in RCW 10.99.020; sexual assault of one family or household member by another family or household member; or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

2. "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

3. ~~"Employee's relative" normally will be limited to the employee's spouse, state registered domestic partner as defined by RCW 26.60.020 and 26.60.030, child, stepchild, grandchild, grandparent, or parent.~~
"Hate crime" has the same meaning as in RCW 49.76.020.

4. ~~"Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support~~

91 ~~for one another. This term will include, but is not limited to, foster~~
92 ~~children and legal wards. The term does not include persons sharing the~~
93 ~~same general house when the living style is primarily that of a~~
94 ~~dormitory or commune. "Immigration enforcement action" has the~~
95 ~~same meaning as RCW 41.04.665 includes, but is not limited to,~~
96 ~~detainment, the preparation for or participation in any judicial or~~
97 ~~administrative immigration proceeding, deportation, or any other~~
98 ~~hardship due to family separation caused by these actions.~~
99

100 5. "Parental leave" means leave to bond and to care for a newborn child
101 after birth or to bond and care for a child after placement for adoption
102 or foster care, for a period of up to sixteen (16) weeks within one (1)
103 year after the birth or placement.

104
105 6. "Pregnancy disability leave" means leave for pregnancy-related
106 medical condition or miscarriage.

107
108 7. "Relative or household member" means a child, grandchild,
109 grandparent, parent, sibling, or spouse of an employee, and also
110 includes any individual who regularly resides in the employee's home
111 or where the relationship creates an expectation that the employee care
112 for the person, and that individual depends on the employee for care.
113 "Relative or household member" includes any individual who regularly
114 resides in the employee's home, and also includes foster children and
115 legal wards even if they do not live in the household, except that it does
116 not include an individual who simply resides in the same home with no
117 expectation that the employee care for the individual.

118
119 7.8. "Service in the uniformed services" means the performance of duty on
120 a voluntary or involuntary basis in a uniformed service under competent
121 authority and includes active duty, active duty for training, initial active

duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

~~8-9.~~ "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

~~9-10.~~ "Sexual assault" has the same meaning as in RCW 70.125.030.

~~10-11.~~ "Shortly deplete" is when an employee has forty (40) hours or less of vacation leave and forty (40) hours or less of sick leave.

~~11-12.~~ "Stalking" has the same meaning as in RCW 9A.46.110.

~~12-13.~~ "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

~~13-14.~~ "Victim" means a person against whom domestic violence, sexual assault, ~~or~~ stalking, or hate crimes has been committed as defined in this Article.

13.2 Shared Leave Receipt

An employee may be eligible to receive shared leave if the Employer has determined the employee meets any of the following criteria:

153 A. The employee -

- 154 1. suffers from, or has a relative or household member suffering from, an
155 illness, injury, impairment, or physical or mental condition which is of
156 an extraordinary or severe nature;
157
- 158 2. has been called to service in the uniformed services;
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- 160 3. A state of emergency has been declared anywhere within the United
161 States by the federal or any state government and the employee has the
162 needed skills to assist in responding to an emergency or its aftermath
163 and volunteers their services to either a governmental agency or to a
164 nonprofit organization engaged in humanitarian relief in the devastated
165 area, and the governmental agency or nonprofit organization accepts
166 the employee's offer of volunteer services;
167
- 168 4. is a victim of domestic violence, sexual assault, ~~or~~ stalking or hate crimes;
169 or
170
- 171 5. is taking parental leave and/or pregnancy disability leave.
172
- 173 6. is a current member of the uniformed services or is a veteran as defined
174 under RCW 41.04.005, and is attending medical appointments or
175 treatments for a service connected injury or disability; ~~or~~
176
- 177 7. is a spouse of a current member of the uniformed services or a veteran
178 as defined under RCW 41.04.005, who is attending medical
179 appointments or treatments for a service connected injury or disability
180 and requires assistance while attending appointments or treatment; ~~or~~
181
- 182 7.8. Is legally authorized to work in the United States and is absent from
183 work due to their involvement or the employee's relative or household

member's involvement in an immigration enforcement action.

B. The illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of domestic violence, sexual assault, ~~or~~ stalking, or hate crimes, parental and/or pregnancy disability leave, or involvement in an immigration enforcement action has caused, or is likely to cause, the employee to:

1. Go on leave without pay status; or
2. Terminate state employment.

C. The employee's absence and the use of shared leave are justified.

D. The employee has depleted or will shortly deplete:

1. Vacation leave, sick leave, compensatory time, and personal holiday if the employee qualifies under Subsection 13.2 A.1, 13.2 A.5, and 13.2 A.8;
2. Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under Subsection 13.2 A.2; or
3. Vacation leave or personal holiday if the employee qualifies under Subsections 13.2 A.3 or 13.2 A.4; ~~or~~
4. ~~Personal holiday and compensatory time if the employee qualifies under Subsection 13.2 A.5.~~

E. The employee has abided by the Employer's policy regarding:

1. Sick leave use if the employee qualifies under Subsections 13.2 A.1,

13.2 A.4, ~~and~~ 13.2 A.5, and 13.2 A.8; or

2. Military leave if the employee qualifies under Subsection 13.2 A.2.

F. The employee has diligently pursued and been found to be ineligible for benefits under RCW 51.32 if the employee qualifies under Subsection 13.2 A.1.

13.3 Shared Leave Use

A. The Employer will determine the amount of leave, if any, that an employee may receive. However, the Employer may not prevent an employee from using leave intermittently or on nonconsecutive days so long as the leave has not been returned under RCW 41.04.665(10) and Subsection 13.5 F below.

However, an employee will not receive more than five hundred twenty-two (522) days of shared leave during total state employment. The Employer may authorize leave in excess of five hundred twenty-two (522) days in extraordinary

circumstances for an employee qualifying for the program because the employee is suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature.

An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent (25%) of their base salary from the receipt of shared leave.

B. The Employer will require the employee to submit, prior to approval or disapproval:

1. A medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description

243 of the medical problem, and expected date of return to work status for
244 shared leave under
245 13.2 A.1;

246 2. Verification of child birth or placement of adoption or foster care, or a
247 medical certificate from a licensed physician or health care provider
248 verifying the pregnancy disability when the employee is qualified under
249 parental leave and/or pregnancy disability leave in Subsection 13.2 A.5.

250 3. A copy of the military orders verifying the employee's required absence
251 for shared leave under 13.2 A.2; or

252 4. Proof of acceptance of an employee's offer to volunteer for either a
253 governmental agency or a nonprofit organization during a declared state
254 of emergency for shared leave under 13.2 A.3.

255 C. The Employer may require the employee to submit, prior to approval or
256 disapproval, verification of the employee's status as a victim of domestic
257 violence, sexual assault, ~~or stalking,~~ or hate crimes for shared leave under 13.2
258 A.4. Such verification will be in accordance with the Domestic Violence Leave
259 Act, RCW 49.76 and may be one or more of the following:

260 1. An employee's own written statement;

261 2. A statement from an attorney, ~~-or advocate~~ for victims of domestic
262 violence, sexual assault, stalking, or hate crimes, member of the clergy,
263 or medical or other professional; and/or

264 3. A court order or police report documenting the employee is a victim of
265 domestic violence, sexual assault or stalking.

266
267 D. The Employer may require the employee to submit verification of leave taken due
268 to the involvement of the employee or the employee's relative or household

269 member in an immigration enforcement action under Subsection 15.2 A.8. Such
270 verification may be one or more of the following:

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272 1. An employee's own written statement; and/or

273
274 2. A statement from an attorney, advocate for immigrants or refugees, member
275 of the clergy, or other professional.
276

277 D.E. Parental leave –

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279 Parental leave received under this policy must be used within sixteen (16)
280 weeks immediately after birth or placement. However, if an employee
281 receiving parental leave also receives leave due to pregnancy disability, the
282 parental leave may be taken in the sixteen (16) weeks immediately after the
283 pregnancy disability leave has ended provided the parental leave ~~is to~~ may not
284 be used ~~within the first~~ more than one (1) year ~~of the child's life~~ of birth.
285

286 E.F. The Employer should consider other methods of accommodating the
287 employee's needs, such as modified duty, modified hours, flex-time or special
288 assignments in lieu of shared leave usage.

289 F.G. Donated leave may be transferred from employees within the same employer,
290 or with the approval of the heads or designees of both higher education
291 institutions, state agencies or school districts/educational service districts, to
292 an employee of another higher education institution, state agency or school
293 district/educational service district.
294

295 G.H. Vacation leave, sick leave, or all or part of a personal holiday transferred from
296 a donating employee will be used solely for the purpose stated in this Article.
297

298 H.I. The receiving employee will be paid their regular rate of pay; therefore, the

value of one (1) hour of shared leave may cover more or less than one (1) hour of the recipient's salary.

H.J. Eight (8) hours a month of accrued and/or shared leave may be used to provide for the continuation of benefits as provided for by the Public Employee's Benefits Board.

H.K. The Employer will respond in writing to shared leave requests within fourteen (14) calendar days of receipt of a properly completed request.

13.4 Leave Donation

An employee may donate vacation leave, sick leave, or personal holiday to another employee for purposes of the leave sharing program under the following conditions:

A. The Employer approves the employee's request to donate a specified amount of vacation leave to an employee authorized to receive shared leave; and

1. The full-time employee's request to donate leave will not cause the employee's vacation leave balance to fall below eighty (80) hours. For part-time employees, requirements for vacation leave balances will be prorated; and

2. Employees may donate excess vacation leave that they would not be able to take due to an approaching anniversary date.

B. The Employer approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave. The employee's request to donate leave will not cause the employee's sick leave balance to fall below one hundred seventy-six (176) hours after the transfer.

C. An employee may donate all or part of their personal holiday to an employee authorized to receive shared leave.

- 327 1. Any portion of a personal holiday that is not used will be returned
328 during the same calendar year to the donating employee.
- 329 2. An employee will be allowed to split the personal holiday only
330 when donating a portion of the personal holiday to the shared leave
331 program.
- 332 D. No employee may be intimidated, threatened, coerced, or financially induced
333 into donating leave for purposes of this program.

334 **13.5 Shared Leave Administration**

- 335 A. The calculation of the recipient's leave value will be in accordance with
336 applicable Office of Financial Management (OFM) policies, regulations, and
337 procedures. The leave received will be coded as shared leave and be maintained
338 separately from all other leave balances. Employees under the qualifications
339 listed in 13.2 A may retain and reserve up to forty (40) hours of vacation leave
340 and forty (40) hours of sick leave.
- 341 B. An employee on leave transferred under these rules will continue to be
342 classified as a state employee and will receive the same treatment in respect to
343 salary, wages, and employee benefits as the employee would normally receive
344 if using accrued vacation leave or sick leave.
- 345 C. All salary and wage payments made to employees while on leave transferred
346 under these rules will be made by the agency/institution employing the person
347 receiving the leave.
- 348 D. Where Employers have approved the transfer of leave by an employee of
349 another state agency, higher education institution, or school district/educational
350 service district to an employee of another state agency, higher education
351 institution, or school district/educational service district, the parties involved
352 will arrange for the transfer of funds and credit for the appropriate value of
353 leave in accordance with Office of Financial Management (OFM) policies,

354 regulations, and procedures.

355 E. Leave transferred under this Section will not be used in any calculation to
356 determine the Employer's allocation of full-time equivalent staff positions.

357 F. Any shared leave no longer needed or will not be needed at a future time in
358 connection with original injury or illness or for any other qualifying condition
359 by the recipient as determined by the Employer, will be returned to the
360 donor(s). Before returning unused leave:

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362 1. The Employer will obtain a statement from the receiving employee's
363 doctor verifying whether the employee's injury or illness is resolved;
364 or

365 2. The employee must be released to regular employment; has not
366 received additional medical treatment for their current condition or any
367 other qualifying condition for at least six (6) months; and their doctor
368 has declined, in writing, the employee's request for a statement
369 indicating the employee's condition has been resolved.

370 The remaining shared leave is to be divided on a pro rata basis among the
371 donors and reinstated to the respective donors' appropriate leave balances based
372 upon each employee's current salary rate at the time of the reversion. The
373 shared leave returned will be prorated back based on the donor's original
374 donation.

375 G. Unused shared leave may not be cashed out but will be returned to the donors
376 per Subsection 13.5 F, above.

377 H. An employee who uses leave that is transferred under this Section will not be
378 required to repay the value of the leave that they used.

379 I. If a shared leave account is closed and an employee later has the need to use
380 shared leave due to the same condition listed in the closed account, the

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Employer must approve a new shared leave request for the employee.

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