

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SOUTH PUGET SOUND COMMUNITY COLLEGE
AND
THE WASHINGTON FEDERATION OF STATE EMPLOYEES**

Due to the passage of Substitute House Bill 2411 modifying shared leave provisions to authorize shared leave for victims of a hate crime and those whose absence is due to immigration enforcement actions against the employee or the employee's relative; effective June 11, 2026, the parties agree to modify the following sections of the Collective Bargaining Agreement as indicated below:

**ARTICLE 15
SHARED LEAVE**

15.1 Shared Leave

- A. The purpose of the leave sharing program is to permit state employees, at no significantly increased cost to the State, of providing leave to come to the aid of another state employee, which has caused or is likely to cause the employee to take leave without pay or terminate their employment, who is:
1. Called to service in the uniformed services;
 2. Responding to a state of emergency anywhere within the United States declared by the federal or state government;
 3. Taking parental leave to bond with their newborn, adoptive or foster child;
 4. Sick or temporarily disabled because of pregnancy;
 5. A victim of domestic violence, sexual assault, ~~or~~ stalking; or hate crime;

6. Suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition.

~~6.7.~~ An employee legally authorized to work in the United States under Federal law and the employee's absence is due to the involvement of the employee of the employee's relative or household member in an immigrations enforcement action.

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 as defined in RCW 26.50.010; 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.
4. "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term will include, but is not limited to, foster children and legal wards. The term does not include

persons sharing the same general house when the living style is primarily that of a dormitory or commune.

5. “Parental leave” means leave to bond and to care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen (16) weeks after the birth or placement.
6. “Pregnancy disability leave” means leave for pregnancy-related medical condition or miscarriage.
7. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent 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. "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.
9. “Sexual assault” has the same meaning as in RCW 70.125.030.

10. “Stalking” has the same meaning as in RCW 9A.46.110.

10.11. Hate Crime” has the same meaning as in RCW 49.76.020.

11.12. "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. “Victim” means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this Article.

~~12.~~14. Immigration enforcement action” has the same meaning as RCW 41.04.665.

15.2 Shared Leave Receipt

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

- A. The employee suffers from, or has a relative or household member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;
- B. The employee has been called to service in the uniformed services;
- C. A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to an emergency or its aftermath and volunteers their services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee’s offer of volunteer services; or
- D. The employee is a victim of domestic violence, sexual assault, or stalking; or hate crime;
- E. Is legally authorized to work in the United States under federal law and the employee’s absence from work is due to the involvement of the employee or the employee’s relative or household member in an immigration enforcement action.
- ~~D.~~F.
- E.G. The employee is taking parental leave and/or pregnancy disability leave.
- F.H. The illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of

domestic violence, sexual assault, or stalking, ~~or~~ parental and/or pregnancy disability leave, or involvement of the employee or employee's relative or household member 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.

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

H.J. The employee has depleted or will shortly deplete:

1. Vacation leave, sick leave and personal holiday if the employee qualifies under Subsection 15.2.A;
2. Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under Subsection 15.2.B;
3. Vacation leave or personal holiday if the employee qualifies under Subsections 15.2.C or 15.2 D; or
4. Personal holiday and compensatory time if the employee qualifies for parental leave and/or pregnancy disability leave. Employees under this qualification can retain and reserve up to forty (40) hours each of vacation and sick leave.

I. The employee has abided by the College's policy regarding:

1. Sick leave use if the employee qualifies under Subsections 15.2.A and 15.2 D; or
2. Military leave if the employee qualifies under Subsection 15.2.B.

J. The employee has diligently pursued and been found to be ineligible for benefits under RCW 51.32 if the employee qualifies under Subsection 15.2 A

15.3 Shared Leave Use

- A. The College will determine the amount of leave, if any, which an employee may receive. However, an employee will not receive more than five hundred twenty-two (522) days of shared leave during total state employment. The College 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.
- B. The College 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 of the medical problem, and expected date of return-to-work status for shared leave under Subsection 15.2.A;
 - 2. Verification of child birth or placement of adoption or foster care, or of a medical certificate from a licensed physician or health care provider verifying the pregnancy disability when the employee is qualified under parental leave and/or pregnancy disability leave.
 - 3. A copy of the military orders verifying the employee's required absence for shared leave under Subsection 15.2.B; or
 - 4. Proof of acceptance of an employee's offer to volunteer for either a governmental agency or a nonprofit organization during a declared state of emergency for shared leave under Subsection 15.2.C.
- C. The College may require the employee to submit, prior to approval or disapproval, verification of the employee's status as a victim of domestic violence, sexual assault or stalking, or a hate crime for shared leave under Subsection

15.2.D. Such verification will be in accordance with the Domestic Violence Leave Act, RCW 49.76 and may be one or more of the following:

1. An employee's own written statement;
2. A statement from an attorney or advocate, member of the clergy, or medical or other professional; and/or
3. A court order or police report documenting the employee is a victim of domestic violence, sexual assault or stalking.

D. The College should consider other methods of accommodating the employee's needs, such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage.

E. Donated leave may be transferred from employees within the same College, or with the approval of the heads or designees of both higher education institutions, state agencies or school districts/educational service districts, to an employee of another higher education institution, state agency or school district/educational service district.

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

G. 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. 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 Benefit Board.

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

J. The college president or designee may but is not required to request that the employee submit verification as provided for in RCW 41.04.665 for leave taken due to the involvement of the employee or employee's relative or household member in an immigration enforcement action.

I.

The provisions contained in this MOU become effective on signature. This MOU shall expire June 30, 2027.

An electronic signature to this Agreement shall be given effect as if it were an original signature.

For the employer:

Lacy Neal 8/25/2026

Lacy Neal,
Executive Human Resources Officer
SPSCC

For the Union:

Mark Hamilton 8/18/2026

Mark Hamilton,
Labor Negotiator
WFSE