

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE STATE OF WASHINGTON  
AND  
THE WASHINGTON FEDERATION OF STATE EMPLOYEES COUNCIL 28**

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 provisions of the Collective Bargaining Agreement as indicated below:

**Article 14, Section 14.1A**

**14.1** A. State employees may donate vacation leave, sick leave, or personal holidays to a fellow state employee 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 any state government;
3. A victim of domestic violence, sexual assault, ~~or~~ stalking, or a hate crime.~~;~~~~or~~
4. Suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition.
5. Sick or temporarily disabled because of pregnancy disability.~~;~~~~or~~
6. Taking parental leave to bond with their newborn, adoptive or foster child.
7. A current member of the uniformed services or 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. A spouse of a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#), who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments
9. 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 or the employee's relative or household member in an immigration enforcement action.

#### Article 14, Section 14.1C

- C. For purposes of the state 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 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 "family member" is defined to include:
    - a. Child, including biological, adopted, or foster child, stepchild, grandchild, or any child for whom the employee stands in loco parentis, is a legal guardian or is de facto parent, regardless of age or dependency status;
    - b. Biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
    - c. Spouse;
    - d. Registered domestic partner as defined by [RCW 26.60](#);
    - e. Grandparent; or
    - f. Sibling.
  4. "Relative or household members" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Relative or household member" includes any

individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual. ~~are 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 foster children and legal wards even if they do not live in the household. The term does not include an individual who simply resides in the same home with no expectation that the employee care for the individual, or persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

5. “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.
6. “Severe” or “extraordinary” condition is defined as serious or extreme and/or life threatening.
7. “Sexual assault” has the same meaning as in [RCW 70.125.030](#).
8. “Stalking” has the same meaning as in [RCW 9A.46.110](#).
9. “Hate Crime” has the same meaning as in RCW 49.76.020
910. “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, 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.
- ~~1011.~~ “Victim” means a person against whom domestic violence, sexual assault, ~~or~~ stalking or a hate crime has been committed against as defined in this Section.
- ~~1112.~~ “Parental leave” means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care. Parental leave must be used within sixteen (16) weeks immediately after birth or placement unless the birth parent suffers from a pregnancy disability. When the birth parent

suffers from a pregnancy disability, the period of sixteen (16) weeks for parental leave begins immediately after the pregnancy disability has ended provided the parental leave is used within the first year of the child's life.

~~1213.~~ "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

14. "Immigration enforcement action" has the same meaning as RCW 41.04.665.

### Article 14, Section 14.3A

**14.3** An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

A. The receiving employee:

1. 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; or
2. Has been called to service in the uniformed services; or
3. 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
4. Is a victim of domestic violence, sexual assault, ~~or~~ stalking or a hate crime; or
5. Is taking parental leave and/or pregnancy disability leave; ~~;~~ or
6. Is a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#), and is attending medical appointments or treatments for a service connected injury or disability; or
7. Is a spouse of a current member of the uniformed services or a veteran as defined under [RCW 41.04.005](#), who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointments or treatments; ~~;~~ or

8. 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 employee's relative or household member in an immigration enforcement action.

#### **Article 14, Section 14.3(B)**

- B. The illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of domestic violence, sexual assault, ~~or~~ stalking a hate crime, parental leave 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 receiving employee to:
  1. Go on leave without pay status; or
  2. Terminate state employment.

#### **Article 14, Section 14.5(A)**

- 14.5 A. The agency head or designee 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 severe or extraordinary nature and expected duration of the condition when the employee is qualified under [Subsection 14.3](#) (A)(1);
  2. A copy of the military orders verifying the employee's required absence when the employee is qualified for shared leave under [Subsection 14.3](#) (A)(2);
  3. Proof of acceptance of an employee's offer to volunteer for either a governmental agency or nonprofit organization during a declared state of emergency when the employee is qualified for shared leave under [Subsection 14.3](#) (A)(3);
  4. Verification of the employee's status as a victim of domestic violence, sexual assault ~~or~~ stalking or a hate crime when the employee is qualified for shared leave under [Subsection 14.3](#) (A)(4);  
or
  5. Verification of childbirth or placement of adoption or foster care, or a medical certificate from a licensed physician or health care

provider verifying the pregnancy disability when the employee is qualified under [Subsection 14.3 \(A\)\(5\)](#).

B. The agency head 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.

The Sections of Article 14 that are not specifically addressed in this MOU shall remain unchanged.

**This MOU shall be effective June 11, 2026.**

**Dated**

For the Employer

Scott Lyders June 3, 2026  
Scott Lyders, Senior Labor Negotiator  
OFM/SHR Labor Relations &  
Compensation Policy Section

For the Union

Amy M. Spiegel June 3, 2026  
Amy Spiegel, Director of Negotiations  
WFSE/AFSCME Council 28