

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
WASHINGTON STATE UNIVERSITY (WSU)
AND
THE WASHINGTON FEDERATION OF STATE EMPLOYEES (UNION)

ARTICLE 20: SHARED LEAVE

During the 2026 Washington State Legislative session, SHB 2411 was passed and signed into law. SHB 2411 authorizes shared leave for victims of hate crimes 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 that Article 20, Shared Leave, of the 2025-2027 WSU-WFSE Collective Bargaining Agreement (CBA) will be modified as described in the following attachment.

This MOU will sunset on June 30, 2027.

Agreed this 13 day of August, 2026

Washington State University



8/13/2026

Washington Federation of State Employees



08/13/26

Jennifer Klein, WSU

Date

Ron Heley, WFSE

Date

See attached: Article 20 Tentative Agreement Shared Leave of the 2027-2029 CBA

ARTICLE 20
SHARED LEAVE

20.1 SHARED LEAVE

A. **Eligibility:** An employee is able to request participation in the shared leave program when they are entitled to accrued sick/annual leave under the provisions as outlined in Article 17 and Article 18, if the employee meets the following criteria.

1. Suffers from, or has a relative or household member suffering from, a severe or extraordinary illness, injury, impairment, or physical or mental condition. ~~“Severe” or “extraordinary” is defined as serious, extreme or life threatening.~~ An illness, injury, or impairment which has caused or will likely cause hospitalization or alternative extended treatment or care, that without such care there would be detrimental consequences to the individual, may be serious enough to qualify the employee for shared leave. Relative for the purpose of this section is the employee’s spouse, state-registered domestic partner, child, grandchild, grandparent, or parent.
2. Called to service in the uniform services.
3. Is a current member of the uniformed services or is a veteran and attends medical appointments or treatments for a service connected injury or disability.
4. Is a spouse of a current member of the uniformed services or a veteran who requires assistance while attending medical appointments or treatments for a service connected injury or disability.
5. Needs the time for parental leave. “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, for a period of up to sixteen

(16) weeks immediately following the birth or placement.

6. Is sick or temporarily disabled because of pregnancy disability.
“Pregnancy disability” means a pregnancy-related medical condition or miscarriage.

7. Is a victim of domestic violence, sexual assault, ~~or~~ stalking, or a hate crime.

8. A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the 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.

9. The severe illness, injury, impairment, condition, consequence of domestic violence, sexual assault, ~~or~~ stalking, or 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, or the call to service or emergency volunteer service has caused, or is likely to cause the employee to go on leave without pay status or terminate state employment.

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

11. The employee has abided by employer leave rules.

12. The employee has depleted or will shortly deplete their leave balances in accordance with Section 20.C below

13. If the illness or injury is claimed to be work-related, the employee for whom time loss compensation from the State Department of Labor and Industries has been allowed may not receive more than twenty-five (25) percent of their base salary as a result of shared leave.

~~13.~~14. Ifs 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.

B. **Use of Other Leave:** An employee must use leaves, Compensatory time and Personal Leave Day/Personal Holiday as outlined below before being eligible to use shared leave. "Shortly deplete" means an employee may maintain up to forty (40) hours of applicable annual leave and sick leave in reserve and is not required to deplete all specified leave to qualify for shared leave.

1. The employee has depleted or will shortly deplete their compensatory time, annual leave, accrued sick leave balances and personal holiday under section A.1 of this Article.
2. The employee has depleted or will shortly deplete their compensatory time, annual leave, and paid military leave under section A.2 of this Article.
3. The employee has depleted or will shortly deplete their compensatory time, annual leave if the employee qualifies under section A.8 of this Article
4. The employee has depleted or will shortly deplete their compensatory time, personal holiday annual leave and sick leave if the employee qualifies under A.5 and A.6 of this Article.

C. **Maximum Leave Received:**

1. Shared leave for a medical condition is granted for up to a total of 90 calendar days or 522 hours (for a full-time employee) per condition or event, or for own condition, their chosen optional long term disability waiting period, whichever is shorter.
2. An employee may receive up to a total of two-hundred and sixty-one (261) days (2088 hours) of shared leave. The University may authorize leave in excess of two-hundred and sixty-one (261) days in extraordinary circumstances as determined by the shared leave program manager, for

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

3. Shared leave received under the foster parent shared leave pool is separate from and not included in the total days/hours as specified in this Article.

4. Shared leave received under the veterans' in-state service shared leave pool is not included in the total days/hours as specified in this Article.

5. Shared leave received under the uniformed service shared leave pool is not included in the total days/hours as specified in this Article.

D. Approval Procedure

1. To request approval to receive shared leave hours, an employee or their representative must submit the following documentation to Human Resource Services:

a. Application to Receive Shared Leave, and

b. Appropriate substantiating documentation, as specified on the application forms or in law, such as a Physician's statement from the employee's physician or, in the case of the uniformed services, their military orders, and

c. Photocopy of the employee's latest Time/Leave Report

2. If the employee is incapacitated or is unavailable due to a call to service in the uniformed services, the employee's representative may complete and submit the documentation.

E. Donating Leave

1. An employee who accrues annual leave and/or sick leave and/or personal holidays may donate a minimum of one (1) hour to an approved shared leave recipient.

2. All donations of leave must be to a specific person.

3. The donor completes and submits a Donation of Shared Leave Hours form or appropriate state form if associated with state leave pools as outlined in

section 20.M, 20.N and 20.O.

4. The donor also submits a copy of their most recent Time/Leave Report.

5. Employees voluntarily elect to donate leave and do so with the understanding that donated leave will not be returned, except for any portion not used by the recipient under Section K of this Article.

F. **Donating Annual Leave**

1. The donor must retain an annual leave balance of at least eighty (80) hours at the time the donation is processed.

2. An employee may not donate annual leave hours that would otherwise be lost on the next anniversary date.

3. Minimum annual leave balances are pro-rated for employees working less than full-time based upon the percent of the Full-Time Equivalent.

G. **Donating Sick Leave:** The donor employee must retain a minimum of one hundred seventy-six (176) hours of sick leave after the transfer.

H. **Donating Personal Holiday:** An employee may donate an accrued personal holiday in full or in part (personal holiday hours must be donated as full hours only; partial-hour donations are not permitted).

I. **Return to Work:** Shared leave may be used in accordance with a doctor's statement outlining a return to work program. Shared leave may be used until exhausted or the employee returns to a full-time work schedule whichever occurs first. Shared leave, on an intermittent basis, may be allowed in exceptional circumstances as determined by Human Resource Services when documentation submitted by the employee's treating health care provider supports such a need.

J. **Shared Leave Administration**

1. Employees using shared leave will be considered in active pay status and will receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using annual leave or sick leave.

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

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

3. Human Resource Services will notify the requesting employee in writing of the decision to approve or deny shared leave including the process for appeal. If an employee disagrees with the decision, that employee may appeal the decision to the Chief Human Resource Officer.
4. The University will respect an employee's right to privacy. However, upon approval for shared leave, and if the employee so requests, the University will inform the University community by electronic announcement of the employee's eligibility for shared leave.

K. **Return of Unused Shared Leave**

1. Any shared leave not used by the recipient will be returned to the donor(s).
2. The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned will be prorated back based on the donor's original donation.
3. An employee who has donated their personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to themselves during the same calendar year may use the remaining hours in a single day. If the hours are returned during a different calendar year, the employee cannot use the remaining hours.

- L. Should WAC 357-31 yield higher leave benefits, applicable to WSU Civil Service employees, than provided for in this, the University will follow the applicable WAC for employees covered by this Agreement.

M. **Foster Parent Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.674, the foster parent shared leave pool was created to allow state employees to voluntarily donate their leave to be used by any eligible employee who is a licensed foster parent

pursuant to RCW 74.15.040 so they may, care for a foster child; and/or
prepare to accept a foster child in their home.

2. The Department of Social and Health Services, and the Office of Financial
Management/State Human Resources administer the pool.

N. **Uniformed Services Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.685, the Uniformed Service
Shared Leave Pool was created so that state employees who are called to
service in the uniformed services will be able to maintain a level of
compensation and employee benefits consistent with the amount they
would have received had they remained in active state service. The pool
allows employees to donate leave to be used as shared leave to fellow state
employees called to service in the uniformed services. Employee
participation will be voluntary at all times.
2. The Military Department, and the Office of Financial Management/State
Human Resources administer the pool.

O. **Veterans' In-State Service Shared Leave Pool**

1. **Purpose:** In accordance with RCW 41.04.672, the Veterans' In-State
Service Shared Leave Pool was created to allow employees to voluntarily
donate leave to be used as shared leave for: an employee who is a veteran
to attend medical appointments or treatments for a service connected injury
or disability; or an employee who is a spouse of a veteran who requires
assistance while attending medical appointments or treatments for a service
connected injury or disability.
2. The Department of Veteran's Affairs, and the Office of Financial
Management/State Human Resources administer the pool.

~~This Article is not subject to the grievance procedure.~~

20.2 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 (including great children, great great grandchildren, etc.), 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 (including great parents, great great grandparents, etc.); or

f. Sibling.

4. “Household members” 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 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. “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.

10. “Victim” means a person against whom domestic violence, sexual assault, stalking, or hate crime has been committed against as defined in this Section.

11. “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.

12. “Pregnancy disability” means a pregnancy-related medical condition or miscarriage.

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07/20/2026



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Jennifer Klein, WSU

Date

Ron Heley, WFSE

Date