MEMORANDUM OF UNDERSTANDING
BETWEEN
THE EVERGREEN STATE COLLEGE (EVERGREEN)
AND
THE WASHINGTON FEDERATION OF STATE EMPLOYEES (UNION)
UNIFORMED PERSONNEL

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 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 that Article 13, Shared Leave, of the 2025-2027 EVERGREEN-WFSE Uniformed Personnel Collective Bargaining Agreement will be modified as described in the following attachment, effective June 11, 2026.

This MOU will expire on June 30, 2027.

Attachment: Article 13, Shared Leave

Agreed To:

For the Union:	For the Employer:
Tom Jer	Laurel R. Czyzanski
Date: 06-11-2026	Date: 6/11/2026

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 been~~Is 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

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 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.~~ "Immigration enforcement action" includes, but is not limited to, detainment, the preparation for or participation in any judicial or administrative immigration proceeding, deportation, or any other hardship due to family separation caused by these actions.

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 within one (1) year after the birth or placement.

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

7. "Relative or household member" 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.

~~7.~~8. "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.~~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:

A. The 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;

2. has been called to service in the uniformed services;

3. 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;

4. is a victim of domestic violence, sexual assault, ~~or~~ stalking, or hate crimes; or

5. is taking parental leave and/or pregnancy disability leave.

6. 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~~

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 treatment~~.~~; or

8. Is legally authorized to work in the United States and is absent from 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, ~~or~~ parental and/or pregnancy disability leave, or involvement in immigration enforcement actions 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, or 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 of the medical problem, and expected date of return to work status for shared leave under 13.2 A.1;

2. Verification of child birth 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 parental leave and/or pregnancy disability leave in Subsection 13.2 A.5.

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

C. The Employer 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 hate crimes for shared leave under 13.2 A.4. 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 for victims of domestic violence, sexual assault, stalking, or hate crimes, 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 Employer may require the employee to submit verification of leave taken due the involvement of the employee or the employee's relative or household member in an immigration enforcement action under Subsection 15.2 A.8. Such verification may be one or more of the following:

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

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

E. Parental leave

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

~~E.~~ F. The Employer 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.

~~F.~~ G. Donated leave may be transferred from employees within the same employer, 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.

~~G~~H. 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.

~~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.

~~I~~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.

~~J~~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's request to donate all or part of their personal holiday to an employee authorized to receive shared leave.

1. Any portion of a personal holiday that is not used will be returned during the same calendar year to the donating employee.

2. An employee will be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

D. No employee may be intimidated, threatened, coerced, or financially induced into donating leave for purposes of this program.

13.5 Shared Leave Administration

A. The calculation of the recipient's leave value will be in accordance with applicable Office of Financial Management (OFM) policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. Employees under the qualifications listed in 13.2 A may retain and reserve up to forty (40) hours of vacation leave and up to forty (40) hours of sick leave.

B. An employee on leave transferred under these rules will continue to be classified as a state employee and will receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued vacation leave or sick leave.

C. All salary and wage payments made to employees while on leave transferred under these rules will be made by the agency/institution employing the person receiving the leave.

D. Where Employers have approved the transfer of leave by an employee of another state agency, higher education institution, or school district/educational service district to an employee of another state agency, higher education institution, or school district/educational service district, the parties involved will arrange for the transfer of funds and credit for the appropriate value of leave in accordance with Office of Financial Management (OFM) policies, regulations, and procedures.

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

F. Any shared leave no longer needed or will not be needed at a future time in connection with original injury or illness or for any other qualifying condition by

the recipient as determined by the Employer, will be returned to the donor(s). Before returning unused leave:

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

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

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.

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

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

I. If a shared leave account is closed and an employee later has the need to use shared leave due to the same condition listed in the closed account, the Employer must approve a new shared leave request for the employee.