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

VACATION LEAVE ACCRUAL INCREASE

During the 2024 Washington State Legislative session, HB 2246 was passed and signed into law. HB 2246 increases the vacation leave accrual maximum for state employees to ~~480~~ 280 hours effective June 6, 2024.

The parties agree that Article 11, Vacation Leave, of the 2023-2025 TESC-WFSE Classified Employees Collective Bargaining Agreement will be modified as described in the following attachment, effective June 6, 2024.

Attachment: Article 11, Vacation Leave

Agreed To:

For the Union:

For the Employer:

Becky Stephens

Laurel P. Dymanski

Date: 5/17/2024

Date: 05/17/2024

27 **ARTICLE 11**

28 **VACATION LEAVE**

29
30 **11.1** Employees will retain and carry forward any eligible and unused vacation leave that was
31 accrued prior to the effective date of this Agreement.

32
33 **11.2 Vacation Leave Credits**

34 A. Full-time and part-time employees will be credited with vacation leave accrued
35 monthly, according to the vacation leave accrual in Article 11.3 and the rate
36 schedule in Article 11.4.

37 B. Any employee who brings an accrued vacation leave balance from another state
38 agency or institution may, with supervisor approval, use the previously accrued
39 vacation leave during the probationary review period.

40 **11.3 Vacation Leave Accrual**

41 Full-time employees will accrue vacation leave according to the rate schedule below under
42 the following conditions:

43 A. Employees working less than full-time schedules will accrue vacation leave on the
44 same proportional basis that their appointment bears to a full-time appointment.

45 B. Employees hired the 1st through the 15th of the month will receive the vacation leave
46 accrual credit for that month. Employees hired on the 16th through the end of the
47 month will not receive a vacation leave accrual credit for that month.

48 C. Employees who separate from employment with the Employer between the 1st
49 through the 15th of the month will not receive a vacation leave accrual for that
50 month. Employees who separate from employment with the Employer between the
51 16th through the end of the month will receive the vacation leave accrual credit for
52 that month.

53 D. The scheduled period of cyclic year position leave without pay will not be deducted
 54 for purposes of computing the rate of vacation leave accrual for cyclic year
 55 employees.

56 E. Vacation leave accruals for the prior calendar month will be credited and available
 57 for employee use on the last day of that calendar month.

58 **11.4 Vacation Leave Accrual Rate Schedule**

Full Years of Service	Monthly Rates	Hours Per Year
During the first and second year of current continuous state employment	9 hrs, 20 min	One hundred twelve (112)
During the third year of continuous state employment	10 hrs	One hundred twenty (120)
During the fourth year of current continuous state employment	10 hrs, 40 mins	One hundred twenty-eight (128)
During the fifth and sixth years of total state employment	11 hrs, 20 mins	One hundred thirty-six (136)
During the seventh, eighth, and ninth years of total state employment	12 hrs	One hundred forty-four (144)
During the tenth, eleventh, twelfth, thirteenth, and fourteenth years of total state employment	13 hrs, 20 mins	One hundred sixty (160)
During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years of total state employment	14 hrs, 40 mins	One hundred seventy-six (176)
During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth years of total state employment	16 hrs	One hundred ninety-two (192)

During the twenty-fifth year of total state employment and thereafter	16 hrs, 40 mins	Two hundred (200)
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60 **11.5 Vacation Scheduling for 24/7 Operations**

61 Vacation requests will be considered on a first come, first served basis. In the event that
 62 two (2) or more employees request the same vacation period, the supervisor may limit the
 63 number of people who may take vacation leave at one time due to business needs and work
 64 requirements.

65 **11.6 Vacation Scheduling for All Employees**

- 66 A. Vacation leave will be charged in the amount actually used by the employee.
- 67 B. When considering requests for vacation leave the Employer will take into account
 68 the desires of the employee but may require that leave be taken at a time appropriate
 69 to business and customer service needs.
- 70 C. An employee will not request or be authorized to take scheduled vacation leave if
 71 the employee will not have sufficient vacation leave to cover such absence at the
 72 time the leave will commence.
- 73 D. Vacation leave will be approved or denied within ten (10) calendar days of the
 74 request. If the leave is denied, a reason will be provided in writing.

75 **11.7 Family Care**

76 Employees may use vacation leave for care of family members as required by the Family
 77 Care Act, WAC 296-130.

78 **11.8 Military Family Leave**

79 Employees may use vacation leave for leave as required by the Military Family Leave Act,
 80 RCW 49.77 and in accordance with Article 19.13.

81 **11.9 Domestic Violence Leave**

82 Employees may use vacation leave for leave as required by the Domestic Violence Leave
83 Act, RCW 49.76.

84 **11.10 Health Emergency Labor Standards Act (HELSEA) Leave**

85 Employees may use vacation leave when a high-risk employee, as defined in RCW
86 49.17.062, seeks reasonable accommodation and the Employer determines that leave is the
87 only available reasonable accommodation, until completion of the public health emergency
88 or another accommodation is made available.

89 **11.11 Legislative Service Leave**

90 Employees may use vacation leave in order to perform any official duty as a member of
91 the Washington state legislature during regular and special legislative sessions in
92 accordance with RCW 49.100.

93 **11.12 Use of Vacation Leave for Sick Leave Purposes**

94 The Employer may allow an employee who has used all of their sick leave to use vacation
95 leave for sick leave purposes as provided in Article 12.2 A. An employee who has used
96 all of their sick leave may use vacation leave for sick leave purposes as provided in Article
97 12.2 B – J.

98 **11.13 Emergency Childcare and Eldercare**

99 Employees may use vacation leave for childcare and eldercare emergencies after the
100 employee has exhausted all of their accrued compensatory time. Use of vacation leave and
101 sick leave for emergency childcare and eldercare is limited to a combined maximum of
102 four (4) workdays per calendar year.

103 **11.14 Vacation Cancellation**

104 Should the Employer be required to cancel scheduled vacation leave because of an
105 emergency or exceptional business needs, affected employees may select new vacation

106 leave from available dates. In the event the affected employee has incurred non-refundable,
107 out-of-pocket vacation expense, the employee will normally be reimbursed by the
108 Employer, if the Employer has previously approved the employee's vacation leave request
109 and if the employee has an adequate leave balance at the time of the vacation to take the
110 vacation.

111 In those cases where an employee will not have sufficient vacation leave to cover the
112 absence at the time it is scheduled to commence, the Employer may cancel the approved
113 vacation or authorize leave without pay.

114 **11.15 Vacation Leave Maximum**

115 Employees may accumulate maximum vacation leave balances not to exceed two hundred
116 and eighty (280) hours. However, there are two (2) exceptions that allow vacation leave
117 to accumulate above the maximum:

118 A. If an employee's request for vacation leave is denied by the Employer, and the
119 employee is close to the vacation leave maximum, the Employer will grant an
120 extension for each month that the Employer must defer the employee's request for
121 vacation leave.

122 B. An employee may also accumulate vacation leave days in excess of two hundred
123 and eighty (280) hours as long as the employee uses the excess balance prior to the
124 employee's anniversary date. Any leave in excess of the maximum that is not
125 deferred in advance of its accrual as described above, will be lost on the employee's
126 anniversary date.

127 **11.16 Separation**

128 Any employee who has been employed for at least six (6) continuous months will be
129 entitled to:

130 A. Payment of vacation leave credits when they:

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- 132 i. Resign with adequate notice and will have a break in service because they
133 have not accepted employment with another state agency or institution;
134
135 ii. Retire;
136
137 iii. Are laid off; or
138
139 iv. Are terminated by the Employer.
140
141 B. The transfer of any unused vacation leave credits to the new employer when they
142 resign to accept employment with another state agency or institution, without a
143 break in services.
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145 C. Payment for vacation leave credit to the estate of a deceased employee.
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