

1 **MEMORANDUM OF UNDERSTANDING**
2 **BETWEEN**
3 **THE EVERGREEN STATE COLLEGE (EVERGREEN)**
4 **AND**
5 **THE WASHINGTON FEDERATION OF STATE EMPLOYEES (UNION)**
6 **STUDENT SUPPORT SERVICES STAFF UNION**
7
8 **SHARED LEAVE**
9

10 During the 2026 Washington State Legislative session, SHB 2411 was passed and signed into
11 law. SHB 2411 authorizes shared leave for victims of hate crime and those whose absence is due
12 to immigration enforcement actions against the employee or the employee's relative effective
13 June 11, 2026.

14
15 The parties agree that Article 15, Shared Leave, of the 2025-2027 EVERGREEN-WFSE Student
16 Support Services Staff Union Collective Bargaining Agreement will be modified as described in
17 the following attachment.

18
19 This MOU will expire on June 30, 2027.
20

21 Attachment: Article 15, Shared Leave
22

23 Agreed this 22nd day of July, 2026
24

25 The Evergreen State College

Washington Federation of State Employees

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27 



28 Laurel R. Uznanski, Lead Negotiator

Ron Heley, Lead Negotiator
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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, 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~~

60 8. Is a spouse of a current member of the uniformed services or a veteran as
61 defined under RCW 41.04.005, who is attending medical appointments or
62 treatments for a service connected injury or disability and requires
63 assistance while attending appointment or treatment; or

64
65 9. Is legally authorized to work in the United States and is absent from work
66 due to the involvement of the employee or employee's relative or household
67 member in an immigration enforcement action.

68
69 The College's shared leave program is administered by the Associate Vice President
70 for Human Resource Services or their designee.

71
72 B. For purposes of the leave sharing program, the following definitions apply:

73
74 1. "Domestic violence" means physical harm, bodily injury, assault, or the
75 infliction of fear of imminent physical harm, bodily injury, or assault,
76 between family or household members or intimate partner as defined in
77 RCW 10.99.020; sexual assault of one family or household member by
78 another family or household member; or stalking as defined in RCW
79 9A.46.110 of one family or household member by another family or
80 household member.

81
82 2. "Employee" means any employee who is entitled to accrue sick leave or
83 vacation leave and for whom accurate leave records are maintained.

84
85 3. "Employee's relative" normally will be limited to the employee's spouse,
86 state registered domestic partner as defined by RCW 26.60.020 and
87 26.60.030, child, stepchild, grandchild, grandparent, or parent. "Hate crime"
88 has the same meaning as in RCW 49.76.020.
89

90 3. ~~"Household members" is defined as persons who reside in the same home~~
91 ~~who have reciprocal duties to and do provide financial support for one~~
92 ~~another. This term will include, but is not limited to, foster children and~~
93 ~~legal wards. The term does not include persons sharing the same general~~
94 ~~house when the living style is primarily that of a dormitory or commune.~~

95
96 4. "Immigration enforcement action" has the same meaning as RCW
97 41.04.665 and includes, but is not limited to, detainment, the preparation for
98 or participation in any judicial or administrative immigration proceeding,
99 deportation, or any other hardship due to family separation caused by these
100 actions.
101

102 4.5. "Parental leave" means leave to bond and to care for a newborn child after
103 birth or to bond and care for a child after placement for adoption or foster
104 care, for a period of up to sixteen (16) weeks within one (1) year after the
105 birth or placement.

106
107 5.6. "Pregnancy disability leave" means leave for pregnancy-related medical
108 condition or miscarriage.
109

110 7. "Relative or household members" means a child, grandchild, grandparent,
111 parent, sibling, or spouse of an employee, and also includes any individual
112 who regularly resides in the employee's home or where the relationship
113 creates an expectation that the employee care for the person, and that
114 individual depends on the employee for care. "Relative or household
115 member" includes any individual who regularly resides in the employee's
116 home, and also includes foster children and legal wards even if they do not
117 live in the household, except that it does not include an individual who
118 simply resides in the same home with no expectation that the employee care
119 for the individual.
120

121 6.8. "Service in the uniformed services" means the performance of duty on a
122 voluntary or involuntary basis in a uniformed service under competent
123 authority and includes active duty, active duty for training, initial active duty
124 for training, inactive duty training, full-time national guard duty including
125 state-ordered active duty, and a period for which a person is absent from a
126 position of employment for the purpose of an examination to determine the
127 fitness of the person to perform any such duty.

128
129 7.9. "Severe" or "extraordinary" condition is defined as serious or extreme
130 and/or life threatening.

131
132 8.10. "Sexual assault" has the same meaning as in RCW 70.125.030.

133
134 9.11. "Shortly deplete" is when an employee has forty (40) hours or less of
135 vacation leave and forty (40) hours or less sick leave.

136
137 10.12. "Stalking" has the same meaning as in RCW 9A.46.110.

138
139 11.13. "Uniformed services" means the armed forces, the army national guard, and
140 the air national guard of any state, territory, commonwealth, possession, or
141 district when engaged in active duty for training, inactive duty training, full-
142 time national guard duty, or state active duty, the commissioned corps of the
143 public health service, the coast guard, and any other category of persons
144 designated by the President of the United States in time of war or national
145 emergency.

146
147 12.14. "Victim" means a person against whom domestic violence, sexual assault,
148 ~~or~~ stalking or hate crimes has been committed as defined in this Article.

149
150 **15.2 Shared Leave Receipt**
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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 -

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

182 treatments for a service connected injury or disability and requires
183 assistance while attending appointments or treatment; or

184
185 8. is legally authorized to work in the United States and is absent from work
186 due to their involvement or the employee's relative or household member's
187 involvement in an immigration enforcement action.

188
189 B. The illness, injury, impairment, condition, call to service, emergency volunteer
190 service, consequence of domestic violence, sexual assault, ~~or~~ stalking, or hate
191 crime,~~or~~ parental and/or pregnancy disability leave, or involvement in an
192 immigration enforcement action has caused, or is likely to cause, the employee to:

193
194 1. Go on leave without pay status; or

195
196 2. Terminate state employment.

197
198 C. The employee's absence and the use of shared leave are justified.

199
200 D. The employee has depleted or will shortly deplete:

201
202 1. Vacation leave, sick leave, compensatory time, and personal holiday if the
203 employee qualifies under Subsection 15.2 A.1, 15.2 A.5, and 15.2 A.8;

204
205 2. Vacation leave and paid military leave allowed under RCW 38.40.060 if the
206 employee qualifies under Subsection 15.2 A.2.; or

207
208 3. Vacation leave or personal holiday if the employee qualifies under
209 Subsections 15.2 A.3 or 15.2 A.4.;~~or~~

210
211 ~~4. Personal holiday and compensatory time if the employee qualifies under~~
212 ~~Subsection 15.2 A.5.~~

213
214 E. The employee has abided by the College's policy regarding:
215

216 1. Sick leave use if the employee qualifies under Subsections 15.2 A.1, 15.2
217 A.4, ~~and 15.2 A.5,~~ and 15.2 A.8; or
218

219 2. Military leave if the employee qualifies under Subsection 15.2 A.2.
220

221 F. The employee has diligently pursued and been found to be ineligible for benefits
222 under RCW 51.32 if the employee qualifies under Subsection 15.2 A.1.
223

224 **15.3 Shared Leave Use**
225

226 A. The College will determine the amount of leave, if any, that an employee may
227 receive. However, the College may not prevent an employee from using leave
228 intermittently or on nonconsecutive days so long as the leave has not been returned
229 under RCW 41.04.665(10) and Subsection 15.5 F below.
230

231 An employee will not receive more than five hundred twenty-two (522) days of
232 shared leave during total state employment. The College may authorize leave in
233 excess of five hundred twenty-two (522) days in extraordinary circumstances for
234 an employee qualifying for the program because the employee is suffering from an
235 illness, injury, impairment or physical or mental condition which is of an
236 extraordinary or severe nature.
237

238 An employee receiving industrial insurance wage replacement benefits may not
239 receive greater than twenty-five percent (25%) of their base salary from the receipt
240 of shared leave.
241

242 B. The College will require the employee to submit, prior to approval or disapproval:
243

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.1;
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 in Subsection 15.2 A.5.
3. A copy of the military orders verifying the employee's required absence for shared leave under Subsection 15.2 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 Subsection 15.2 A.3.

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 hate crimes for shared leave under Subsection 15.2 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.

275
276 D. The College may require the employee to submit verification of leave taken due to
277 the involvement of the employee or the employee's relative or household member
278 in an immigration enforcement action under Subsection 15.2 A.8. Such verification
279 may be one or more of the following:

280
281 1. An employee's own written statement; and/or

282
283 2. A statement from an attorney, advocate for immigrants or refugees, member
284 of the clergy, or other professional.

285
286 E. Parental leave –

287
288 Parental leave received under this policy must be used within sixteen (16) weeks
289 immediately after birth or placement. However, if an employee receiving parental
290 leave also receives leave due to pregnancy disability, the parental leave may be
291 taken in the sixteen (16) weeks immediately after the pregnancy disability leave has
292 ended provided the parental leave may not be used more than one (1) year of birth.

293
294 ~~E.~~ F. The College should consider other methods of accommodating the
295 employee's needs, such as modified duty, modified hours, flex-time or special
296 assignments in lieu of shared leave usage.

297
298 ~~F.G.~~ Donated leave may be transferred from employees within the same College, or with
299 the approval of the heads or designees of both higher education institutions, state
300 agencies or school districts/educational service districts, to an employee of another
301 higher education institution, state agency or school district/educational service
302 district.

303
304 ~~G.H.~~ Vacation leave, sick leave, or all or part of a personal holiday transferred from a
305 donating employee will be used solely for the purpose stated in this Article.

HI. 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.

IJ. 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.

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

15.4 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 College 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 their 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 College 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 their sick leave balance to fall below one hundred seventy-six (176) hours after the transfer.

337
338 C. An employee may ~~to~~ donate all or part of their personal holiday to an employee
339 authorized to receive shared leave.

340
341 1. Any portion of a personal holiday that is not used will be returned during
342 the same calendar year to the donating employee.

343
344 2. An employee will be allowed to split the personal holiday only when
345 donating a portion of the personal holiday to the shared leave program.

346
347 D. No employee may be intimidated, threatened, coerced, or financially induced into
348 donating leave for purposes of this program.

349
350 **15.5 Shared Leave Administration**

351
352 A. The calculation of the recipient's leave value will be in accordance with applicable
353 Office of Financial Management (OFM) policies, regulations, and procedures. The
354 leave received will be coded as shared leave and be maintained separately from all
355 other leave balances. Employees under the qualifications listed in 15.2 A may retain
356 and reserve up to forty (40) hours each of vacation leave and forty (40) hours of
357 sick leave.

358
359 B. An employee on leave transferred under these rules will continue to be classified
360 as a state employee and will receive the same treatment in respect to salary, wages,
361 and employee benefits as the employee would normally receive if using accrued
362 vacation leave or sick leave.

363
364 C. All salary and wage payments made to employees while on leave transferred under
365 these rules will be made by the agency/institution employing the person receiving
366 the leave.

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

374
375 E. Leave transferred under this Section will not be used in any calculation to determine
376 the College's allocation of full-time equivalent staff positions.

377
378 F. Any shared leave not used by the recipient will be returned to the donor(s). Before
379 returning unused leave:

380
381 1. The College will obtain a statement from the receiving employee's doctor
382 verifying whether the employee's injury or illness is resolved; or

383
384 2. The employee must be released to regular employment; has not received
385 additional medical treatment for their current condition or any other
386 qualifying condition for at least six (6) months; and their doctor has
387 declined, in writing, the employee's request for a statement indicating the
388 employee's condition has been resolved.

389
390 The remaining shared leave is to be divided on a pro rata basis among the donors
391 and reinstated to the respective donors' appropriate leave balances based upon each
392 employee's current salary rate at the time of the reversion. The shared leave
393 returned will be prorated back based on the donor's original donation.

394
395 G. Unused shared leave may not be cashed out but will be returned to the donors per
396 Subsection 15.5 F, above.

397

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

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

403

404