

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WESTERN WASHINGTON UNIVERSITY
AND
WASHINGTON FEDERATION OF STATE EMPLOYEES**

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:

14.1 Applicable Law

The benefits described in this Article are conferred by State statute and further explained in University policies. To the extent there is a conflict between the provisions of this Article and applicable law, the University will apply shared leave in compliance with State law.

14.2 Shared Leave

The purpose of the leave sharing program is to permit state employees, to donate leave to come to the aid of another state employee who has been called to service in the uniformed services, who is responding to a state of emergency anywhere within the United States declared by the federal or state government, who is a victim of domestic violence, sexual assault, or stalking, or a hate crime or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition, which has caused or is likely to cause the employee to take leave without pay or terminate their employment; or a fellow state employee whose absence from work is due to the involvement of the employee or employee's relative or household member in an immigration enforcement action. For purposes of the leave sharing program, the following definitions apply:

- A. "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.
- B. "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

- C. Employee's relative" normally is defined to include:
1. Child, including biological, adopted, or foster child, stepchild, or for whom the employee stands in loco parentis, is a legal guardian or is de facto parent, regardless of age or dependency status;
 2. 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;
 3. Spouse;
 4. Registered domestic partner as defined by RCW 26.60;
 5. Grandparent;
 6. Grandchild; or
 7. Sibling.
- D. "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.
- E. "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.
- F. "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.
- G. "Sexual assault" has the same meaning as in RCW 70.125.030.

- H. “Stalking” has the same meaning as in RCW 9A.46.110.
- I. "Hate crime" has the same meaning as in RCW 49.76.020.
- J. “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.
- K. “Victim” means a person that domestic violence, sexual assault, stalking, or a hate crime has been committed against as defined in this Article.

14.3 Shared Leave Receipt

- A. An employee may be eligible to receive shared leave if the Employer has determined the employee meets any of the following criteria:
 - 1. The employee 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. The employee 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; or
 - 4. The employee is a victim of domestic violence, sexual assault, stalking, or a hate crime.

5. 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.
- A. The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, stalking, hate crime, or immigration enforcement action has caused, or is likely to cause, the employee to:
 1. Go on leave without pay status; or
 2. Terminate state employment.
 - B. The employee's absence and the use of shared leave are justified.
 - C. The employee has depleted or will shortly deplete their:
 3. Vacation leave, sick leave and personal holiday if the employee qualifies under 13.2 A.1;
 4. Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under 13.2 A.2; or
 5. Vacation leave or personal holiday if the employee qualifies under 13.2 A.3 or 13.2 A.4.
 - D. The employee has abided by the Employer's policy regarding:
 6. Sick leave use if the employee qualifies under 13.2 A.1 and 13.2 A.4; or
 7. Military leave if the employee qualifies under 13.2 A.2.
 - E. The employee has diligently pursued and been found to be ineligible for benefits under RCW 51.32 if the employee qualifies under 13.2 A.1.

14.2 Shared Leave Use

- A. The Employer will determine the amount of leave, if any, which an employee may receive. However, an employee will not receive more than five hundred twenty-two (522) days of shared leave during their entire duration of state employment, except that, the Employer may authorize shared leave in excess of five hundred

twenty-two (522) days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment or physical or mental condition that is of an extraordinary nature.

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 14.2 A.1;
2. A copy of the military orders verifying the employee's required absence for shared leave under 14.2 A.2; or
3. 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 14.2 A.3.

E. 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, stalking or a hate crime for shared leave under 14.2 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, 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.

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.

G. Leave transferred may be transferred from employees of WWU to another employee of WWU or, with the approval of the heads of both

state agencies, higher education institutions, school district, or educational service districts, to an employee of another state agency, higher education institution, school district or educational service district.

- 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.
- 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.
- 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 Benefit Board.
- K. The Employer will respond in writing to shared leave requests within fourteen (14) calendar days of receipt of a properly completed request.

14.3 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 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.
- 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 their sick leave balance to fall below one hundred seventy-six (176) hours after the transfer.
- C. The Employer approves the employee's request to donate all or part of their personal holiday to an employee authorized to receive shared leave.

1. That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by 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, or coerced into donating leave for purposes of this program.

14.4 Shared Leave Administration

- A. The calculation of the recipient's leave value will be in accordance with applicable Office of Financial Management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All paid leave accrued must be used prior to using shared leave when the employee qualifies for shared leave under 14.2 A.1. Accrued vacation leave and paid military leave allowed under RCW 38.40.060 must be used prior to using shared leave for employees qualified under 14.2 A.2. All paid leave, except sick leave, must be used prior to using shared leave when the employee qualifies for shared leave under 14.2 A.3 and 14.2 A.4.
- L. 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.
- M. All salary and wage payments made to employees of the Employer while on leave transferred under these rules will be made by the Employer.
- N. Where Employers have approved the transfer of leave by an employee of one (1) state agency/higher education institution, school district or educational service district to an employee of another state agency/higher education institution, school district, or educational service district, the state agencies/higher education institutions, school district, or educational service district involved will arrange for the transfer of funds and credit for the appropriate

value of leave in accordance with Office of Financial Management policies, regulations, and procedures.

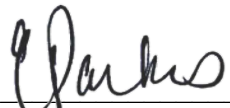
- O. Leave transferred under this Section will not be used in any calculation to determine the Employer's allocation of full-time equivalent staff positions.
- P. Any shared leave not used by the recipient will be returned to the donor(s). Before returning unused leave, the Employer will obtain a statement from the receiving employee's doctor verifying whether the employee's injury or illness is 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.
- Q. Unused shared leave may not be cashed out but will be returned to the donors per Subsection F, above.
- R. Employees who use leave that is transferred under this Section will not be required to repay the value of the leave that they used.
- S. Shared leave will not be denied solely based on administrative or budgetary issues related to the transfer or non-transfer of funds.

**WASHINGTON FEDERATION OF
STATE EMPLOYEES**

By: 
Ron Heley, Labor Negotiator
WFSE/AFSCME Council 28

Date: July 22, 2026

**WESTERN WASHINGTON
UNIVERSITY**

By: 
Liz Parkes, Assoc. Vice President
Human Resources

Date: July 14, 2026