MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF WASHINGTON
AND
WASHINGTON FEDERATION OF STATE EMPLOYEES,

ADMINISTRATIVE LAW JUDGES

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:

Section 29.1 An employee may be eligible to receive shared leave under the following conditions:

A. The receiving employee either:

1. Suffers from or has a relative or household member who suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

2. Has been called to service in the uniformed services; or

3. Has the needed skills to assist in responding to an emergency or its aftermath and volunteers their services to either a government agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, a state of emergency has been declared anywhere within the United States by the federal government or any state government, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; or

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

5. Is taking parental or pregnancy disability leave; or

6. Is a current member of the uniformed services or 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 for 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 treatments; or.

8. Is legally authorized to work in the United State 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.

29.2 State employees may donate vacation leave, sick leave, or personal holidays to a fellow state employee when:

A. The receiving employee is approved to receive shared leave under Subsection 29.1;

B. The illness, injury, impairment, condition, call to service, or emergency volunteer service, consequence of domestic violence, sexual assault, ~~or~~ stalking or a hate crime, or parental or pregnancy disability leave or involvement of the employee or employee's relative or household member in an immigration action, causes or is likely to cause the receiving employee to:

1. Go on leave without pay status; or

2. Terminate state employment.

C. The receiving employee has depleted or will shortly deplete their accrued leave as applicable.

The employee can maintain up to forty (40) hours of vacation leave and up to forty (40) hours of sick leave to qualify for shared leave under Subsections 29.1 (A)(4) and (5) of this Article.

D. The receiving employee's absence and the use of shared leave are justified;

E. The Agency Head or designee permits the leave to be shared with an eligible employee;

F. The donating employee may donate any amount of vacation leave, provided the donation does not cause the employee's vacation leave balance to fall below eighty (80) hours;

G. The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below one hundred seventy-six (176) hours after the transfer;

H. The donating employee may donate all or part of a personal holiday; and

I. Donated leave may be transferred from employees within the same agency, or with the approval of the heads or designees of both state agencies, higher education institutions, or school districts/educational service districts, to an employee of another state agency, higher education institution, or school district/educational district.

29.3 For purposes of the state leave sharing program, the following definitions apply:

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

2. ~~Employee's~~ "~~r~~Relative~~"~~ or household members" means a ~~is limited to the employee's spouse, state registered domestic partner as defined by~~ RCW ~~26.60.020 and 26.60.030~~, a child, ~~stepchild,~~ grandchild, grandparent, sibling, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee'shome 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 tht the employee care for the individual. ~~or stepparent~~.

3. State registered domestic partner as defined by RCW 26.60.020 and 26.60.030.

~~3~~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.

~~4~~5. "Severe" or "extraordinary" condition is defined as serious or extreme or life threatening.

~~5~~6. "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, fulltime 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~~7. "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.

~~7.~~8. "Domestic violence" means physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, assault, or sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or of one family or household member by another family or household member as defined in RCW26.50.010.

~~8~~9. "Sexual assault" has the same meaning as in RCW 70.125.030.

~~9~~10. "Stalking" has the same meaning as in RCW 9A.46.110.

11. "Hate Crime" has the same meaning as in RCW 49.76.020.

~~10~~12. "Victim" means a person that domestic violence, sexual assault, ~~or~~ stalking or a hate crime has been committed against as defined in this Section.

~~11~~13. "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement adoption or foster care for a period of up to sixteen (16) weeks after the birth or placement. If the birth parent suffers from a pregnancy disability, the period of 16 weeks begins immediately after the pregnancy disability has ended provided that the parental leave is used within the first year of the child's life.

~~12~~13. "Pregnancy disability" means a pregnancy related medical condition or miscarriage.

14. "Immigration enforcement action" has the same meaning as RCW 41.04.665.

29.5 The Agency Head or designee will require the employee to submit, prior to approval or disapproval:

A. A medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition;

B. A copy of the military orders verifying the employee's required absence;

C. 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;

D. Verification of the employee's status as a victim of domestic violence, sexual assault, ~~or~~ stalking or a hate crime; or

E. Verification of the birth, adoption or foster care placement of a child and/or a medical certificate from a licensed physician or health care practitioner verifying pregnancy disability.

F. The agency head or designee may, but is not required to, request that the employee submit verification as provided for in RCW 41.04.665 for leave taken due to the involvement of the employee or employee's relative or household member in an immigration action.

The Sections of Article 29 that are not specifically addressed in this MOU shall remain unchanged.

The MOU shall be effective June 11, 2026.

Dated October 21, 2026

An electronic signature to this Agreement shall be given effect as if it were an original signature.

For the Employer

Brenda Moen

Brenda Moen, Sr. Labor Negotiator
OFM/SHR Labor Relations &
Compensation Policy Section

For the Union

Linda Michaud Emin

Linda Emin, Labor Negotiator
Washington Federation of State
Employees, ALJ