

**King County
Department of
Human
Resources**

Employee
Leave Guide



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Introduction

This guide summarizes the different types of leave available to King County employees and their eligible family members. For a more detailed review and to see how these leave benefits may apply to you then please visit the resource section at the end of this document and speak with your agency human resource professional.

The leave administration process in King County is de-centralized which means that individual agencies administer leave for their agency's employees. Employees should always follow their agency's call-in procedures and also notify their supervisor and agency human professional whenever the need for leave arises.

This guide incorporates changes from the larger coalition labor agreements from 2018 forward. In general, these rules apply to non-represented employees and for represented employees. To determine if these changes apply to you, contact your agency human resource professional or union. Recent coalition union changes include the following (new coalition agreement expected in August 2022):

- Five days of bereavement leave per occurrence
- Leave for volunteer service (up to 3 days of sick leave per year)
- Donated leave no longer reverts back after 90 days
- Lower vacation leave accrual maximum for employees hired on 1/1/18 or later
- Vacation leave can now be used by all employees in the pay period after it is accrued

The provisions of this guide confer neither new privilege, right of employment, right of appeal, right of position, transfer, demotion, promotion, reinstatement nor any other right for any individual. This guide does not constitute an express or implied contract. It provides general guidance that cannot form the basis of a private right of action. Should information in this guide conflict with the law or collective bargaining provisions or binding past practices for represented employees, the latter will prevail. The information set forth in this guide is subject to change and may be modified, suspended or revoked without notice in whole or in part.

Administrative Leave with Pay

You may be required to take administrative leave with pay if your department director determines that circumstances exist making your absence from the workplace to be in the best interests of King County (e.g., a workplace investigation or a safety concern.). The leave is not disciplinary, nor is it subject to appeal. This leave is normally for 30 days or less but can be extended beyond that as needed.

(Reference: Personnel Guidelines, 14.10)

Bereavement Leave

Employees eligible for comprehensive leave benefits may use up to five days of bereavement leave per qualifying death of an immediate family member (40 hours maximum; prorated for part-time employees). Employees who are not eligible for paid leaves may be granted leave without pay, or may be allowed to use compensatory time, if available, for bereavement leave. Any additional paid leave may be approved by mutual agreement between King County and the employee. Bereavement leave should be used in full day increments by FLSA-exempt employees or by the hour for hourly employees. Bereavement leave is intended to be used in full or partial day instances for up to 5 total days and is not intended to be used as a bank of hours to be used 40 different times.

Immediate family member is defined as:

- Employee's spouse or domestic partner
- The parent, grandparent, child, son or daughter-in-law, grandchild, or sibling of the employee, employee's spouse, or the employee's domestic partner
- The employee's legal guardian, ward, or any person over whom the employee has legal custody

(Reference: Personnel Guidelines, 14.9; King County Code 3.12.210, MLA Article 8)

Compensatory Time

An hourly employee may request in advance of working overtime to be granted compensatory time off in lieu of receiving overtime pay. Approval of such a request is at the discretion of the hourly employee's division director or designee or as otherwise determined by department policies. The approval must be based on the business needs of King County or the department.

- Will accrue at straight time rate up to 40 hours or accrue at time and one-half for hours worked beyond 40
- Balance of compensatory time cannot exceed 80 hours at any time
- Cannot be used before it is accrued and use must be requested in writing before it is used
- Must be used during the calendar year it is accrued and a maximum of 40 hours may be carried over upon approval (carryover must be used in first quarter of the year)
- Is paid out if terminated, transferred, promoted or demoted
- FLSA-exempt positions are ineligible for compensatory time

(Reference: Personnel Guidelines 12.4; Executive Policy PER 8-2-1)

Domestic Violence Leave

Employees who are victims or who are family members of victims of domestic violence, sexual assault or stalking may take a reasonable period of leave for various reasons.

(Reference: Revised Code of Washington 49.76, Executive Policy PER 18-5-2, HR Bulletin 2008-0006)

Emergency Closure Leave

A department director may officially close a department because of adverse weather conditions or safety concerns and order employees not identified as first responders or mission-critical to leave the premises. First responders or mission-critical employees are those employees considered by a department director to be critical in maintaining or reestablishing services when an emergency occurs (check your department's emergency response plan for additional information).

If your department remains open but weather or other safety concerns prevent you from reporting to work, notify your supervisor as soon as possible. You may request and your supervisor may approve use of vacation leave, compensatory time, executive leave or leave of absence without pay to cover your absence; however, sick leave may not be used to cover an absence because of weather concerns.

(Reference: Personnel Guidelines 14.14, HR Resource Bulletin 05-LER-01, HR Bulletin 2011-0009)

Examination Leave

Employees eligible for leave benefits will be entitled to necessary time off with pay in order to take county qualifying or promotional examinations. This includes time required to complete any required interviews that are scheduled during the employee's working hours. Time off with pay does not include time required to complete an application, letter of qualification or interest, questionnaire or resume. It

also does not include examinations or interviews that are scheduled during the employee’s nonworking hours.

(Reference: Personnel Guidelines 8.2; King County Code 3.12.200)

Executive Leave

If you are in an FLSA-exempt position, you may be granted up to 10 days (80 hours) of paid executive leave each calendar year at the discretion of your director and will be pro-rated for part-time schedules. You must use executive leave in the calendar year that it is granted or you forfeit it – it cannot be carried over, cashed out, donated or when you are switching to a non-FLSA exempt position (hourly position).

(Reference: Executive Policy PER 8-1-2)

Family and Medical Leaves

There are many different federal, State and King County laws available when employees need to take leave for their own serious health condition, the serious health condition of eligible family members and to bond with children. An overview of the three main leaves is below. A more detailed comparison of these laws can be found in the Leave Comparative Chart.

	FMLA	KCFML	WFCA
Eligibility	Worked at least 12 months for employer (w/in last 7 years) & Worked 1,250* hours within preceding 12-month period	Worked at least 12 months for employer & Worked 1,040* hours within preceding 12-month period	Employees caring for qualified family member and using paid accruals
Length of Leave	Up to 12 work weeks every rolling calendar year	Up to 18 work weeks every rolling calendar year	As directed by healthcare provider
Paid/Unpaid	Paid or Unpaid	Paid or Unpaid	Must use paid accruals
Medical Benefit Coverage	Yes	Yes	Yes, since using paid accruals
Job Restoration	Yes	Yes	Not addressed
For a list of eligible family members see the chart at the end of the guide. *ATU 587 union members have slightly different eligibility criteria.			

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:

- 1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
- 2) any period of incapacity related to pregnancy or for prenatal care,
- 3) any period of incapacity or treatment for a chronic serious health condition,
- 4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
- 5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment,

- 6) Inpatient care in a hospital, hospice or residential medical care facility or related outpatient follow-up care.

How to request family and medical leave

Employees must provide 30 days' advanced notice (foreseeable) or as soon as practicable when unforeseen. Employees must also comply with the agencies call in and absence policies and procedures when requesting leave. Employees will be asked to complete a Leave Request Form and to provide appropriate documentation to support the request for protected leave. This documentation may be in the form of a medical certification for medical conditions or simple documentation for leave related to child bonding.

Notification and Response

King County posts the required FMLA poster explaining the provisions of FMLA's and additional employee rights. These posters can be found at your worksite along with other employment-related notifications.

Once the agency human resource professional determines available protected leave, they will provide a Leave Response Form back to the employee to inform them of their rights for leave along with the specific expectations and obligations associated with taking leave.

You will be notified as to whether leave will be designated as FMLA leave within five business days (absent extenuating circumstances) of your department representative learning that the leave is being taken for a FMLA-qualifying reason. If you have leave accruals, you will be notified if you must use accruals while you are out on FMLA.

How family and medical leave works

Once an employee is approved to take protected leave there are many different aspects to consider.

- Leave may be continuous or intermittent depending on the documentation provided by the healthcare provider
- Certain types of intermittent leave may require agency approval (i.e., bonding leave)
- When leave is taken after the birth or placement of a child for adoption or foster care, you may take leave intermittently or on a reduced leave schedule only if authorized by your appointing authority
- If you request intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the appointing authority may require you to transfer temporarily to an alternative position for which you are qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than your regular position. If you are moved to an alternative position, you are returned to your regular position when the intermittent leave ends.

For your own serious health condition, you must use all of your sick leave accruals before using other leave or going on unpaid leave. (However, if your condition is due to an on-the-job injury, see "Supplementing Workers' Compensation with Paid Leave") After sick leave is exhausted, you may then use vacation.

To care for a family member with a serious health condition, you may use paid leave or unpaid leave. If you use sick leave, at the start of the leave to care for your family member, you must decide whether to reserve 80 hours for future sick leave when you submit your Family and Medical Leave Request Form.

When you have used all your sick leave except the 80 hours if reserved, you may begin using accrued vacation or compensatory leave or go on a leave of absence without pay, if approved by your appointing authority.

Earning of accruals (vacation and sick leave and seniority) stop while you are on unpaid leave, then restart when you return to work.

Even though donated leave is considered to be unpaid leave, you continue to receive the same county-paid medical (medical, dental, vision) and non-medical benefits (life, AD&D, LTD) you had before your leave began. Deductions for supplemental non-medical benefits continue to be taken. Once you are no longer using donated leave and enter an unpaid status you must self-pay for basic and supplemental non-medical benefits (life, AD&D, and LTD) if you wish to remain eligible for the coverage. Medical and non-medical coverage ends on the last day of the month in which you lost coverage.

Benefits coverage

Under FMLA/WFLA/KCFML, you receive the same county-paid medical benefits (medical, dental and vision) you had when on paid status immediately before you began leave. Deductions for supplemental non-medical benefits (life, AD&D, LTD) will continue during use of paid leave. Once you enter an unpaid status you must self-pay for both basic and supplemental non-medical benefits. You will be contacted by Benefits staff to begin the self-pay process. You will also be contacted about self-paying to continue medical coverage under COBRA when FMLA/WFLA/KCFML ends.

Returning to work

A medical release to full, part or transitional (light) duty is required from your health care provider before you return to work after your own serious health condition. If you do not submit a release, your return to work may be delayed. Hours worked during a transitional duty assignment do not count against FMLA entitlements. If you need disability accommodation services in relation to returning to work, you must notify your supervisor or human resources service delivery manager or designee. Your job is protected while on FMLA/WFLA/KCFML. However, these protections do not apply if your job is eliminated due to a bona fide workforce reduction or if you do not return to work by the expiration date of your leave. Failure to return by the expiration date may be cause for removal and may result in termination of your employment.

(Reference: Personnel Guidelines, 14.4; King County Code 3.12; Family and Medical Leave Act 29 CFR 825; Revised Code of Washington (RCW) 49.78)

Service Member Family Leave

The federal Family and Medical Leave Act provides service member family leave to eligible employees to care for a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active military duty. An eligible employee is the spouse, son, daughter, parent, or next of kin of the injured service member. "Next of kin" means the nearest blood relative of the service member other than the service member's spouse, parent, son or daughter in the following order:

- A blood relative that the service member has designated (in writing) as the caregiver;
- Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions
- Brothers and sisters
- Grandparents
- Aunts and uncles
- First cousins

Where there are multiple family members with the same level of relationship to the service member, each may be deemed the next of kin and provide care to the service member under the FMLA on either a consecutive or concurrent basis. Spouses who are eligible for FMLA leave are limited to a combined total of 26 workweeks of leave to care for the injured service member. Caregiver leave is only to care for service members currently in the military, including those seriously ill or injured service members on the temporary disability retired list. Covered service members do not include retired members or service members on the permanent disability retired list.

Service Member Family Leave is available during a single 12-month period during which eligible employees are entitled to a combined total of 26 weeks of all types of FMLA leave (an employee who takes 14 weeks of Service Member Family Leave may still be eligible for 12 weeks of Family Medical Leave in a 12-month period). Service Member Family Leave may be taken intermittently or on a reduced-schedule basis and is administered in accordance with general Family Medical Leave Act requirements.

Qualifying Exigency Leave

The NDAA also provides that eligible employees are allowed up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son/daughter (of any age) or parent of the employee is on active duty, or has been notified of an impending Federal call to active duty status in support of a contingency operation. This may be taken intermittently or on a reduced-schedule basis and is administered in accordance with general Family Medical Leave Act requirements. A qualifying exigency may include:

- Issues arising from a covered military member’s short notice deployment (e.g., seven or less calendar days of notice prior to the deployment) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member’s absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the

military for a period 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of the covered military member;

- Any other event that the employer and employee agree is a qualifying exigency.

Washington Family Care Act (WFCA)

The Washington Family Care Act is a separate law from FMLA and allows you to choose to use sick leave or other paid time off to care for a covered family member with certain health conditions. If you take leave under WFCA and it qualifies under FMLA, your leave is also counted as FMLA leave. Key differences of WFCA:

- Must have access and use paid accruals to receive WFCA
- Eligibility includes both serious health condition PLUS emergency conditions
- Cannot be used for employees own condition
- WFCA includes additional family members: Washington State registered domestic partner, parent-in-law, grandparent of the employee

Under the Washington Family Care Act, you may use sick leave or other paid time off to care for your:

1. Child (biological, adopted, foster or stepchild; legal ward or child for which you are standing in as the parent) under 18 who has a health condition which includes:
 - Medical condition requiring treatment or medication the child cannot self-administer
 - Medical or mental health condition that would endanger the child's safety or recovery without your presence or
 - Condition warranting treatment or preventive care, such as physical, dental, optical or immunization services, when you must be present to authorize the treatment
2. Child 18 or older with a mental or physical disability that makes the child incapable of self-care who has a health condition which includes:
 - Medical condition requiring treatment or medication the child cannot self-administer
 - Medical or mental health condition that would endanger the child's safety or recovery without your presence or
 - Condition warranting treatment or preventive care, such as physical, dental, optical or immunization services, when you must be present to authorize the treatment
3. Spouse, Washington state registered domestic partner (DP), parent (or someone standing in loco parentis for you), parent-in-law, or grandparent (but not your spouse or domestic partner's grandparent) with a serious or emergency health condition:
 - Requiring an overnight stay in a hospital or other medical care facility
 - Resulting in a period of incapacity or treatment or recovery following inpatient care
 - Continuing treatment under the care of a health care services provider that includes any period of incapacity (for example, inability to work or perform other regular daily activities)
 - Emergency Health Condition – i.e., demanding immediate action.

(Reference: Revised Code of Washington (RCW) 49.12; Washington Administrative Code (WAC) 296-130)

Pregnancy, Childbirth and Pregnancy-Related Conditions (PCPRC)

One part of Washington State's law against discrimination is discrimination against female employees because of pregnancy, childbirth or pregnancy-related conditions. This law provides protected leave for eligible female employees for the period of time that she is sick or temporarily disabled related to the

PCPRC condition. You may choose to take this leave as paid or unpaid leave. If you take paid leave using your leave accruals, you are afforded the same King County-paid medical (medical, dental and vision) and non-medical benefit (life, AD&D, LTD) coverage you had immediately before your leave began. If you take this leave as unpaid, Benefits staff will contact you about self-paying to continue all coverages under COBRA. In addition, Benefits staff will contact you about self-paying to continue any life, accidental death and dismemberment or long-term disability insurance you have. Additional rights to benefits through the Affordable Care Act (ACA) may be available.

There is not a set amount of time off associated with this law (e.g., Caesarean vs natural birth). The duration of the PCPRC leave depends upon the time listed in the medical certification.

(Reference: Washington Administrative Code (WAC) 162-30-020)

King County Paid Parental Leave (PPL)

Paid Parental Leave allows eligible King County employees (both male and female) to receive up to 12 weeks of pay following the birth, adoption or foster-to-adopt placement of a child. Paid parental leave is a supplement to the employee's existing sick, executive leave, benefit time and vacation leave at the time of the qualifying event (birth, adoption/placement). Paid Parental Leave will run concurrently with federal, state, and county family and medical leave to the fullest extent possible. The 12 weeks of paid parental leave must be used within 12 months from the date of the qualifying event. Participation in the program shall be limited to comprehensive leave-eligible employees who have been employed with the King County for at least six months of continuous service at the time of the qualifying event.

To estimate available the PPL award you can use the online calculator found on the leave administration website (<https://www.kingcounty.gov/audience/employees/benefits/leaves.aspx>). Up to one week of sick accruals and one week of vacation accruals may be set aside for the purpose of calculating available PPL. These two weeks are not "reserved" but can be used at any time according to regular agency rules.

(Reference: King County Ordinance #18190)

Jury Duty Leave

An employee called to jury duty will receive their compensation but must deposit any jury duty fees received, exclusive of mileage, with the Finance and Business Operations Division (FBOD).

- Must notify supervisor of need for leave at least two weeks in advance
- Must notify supervisor once released for the day and at the end of the trial (supervisor will provide a reasonable period of time to report back to work)
- Supervisors may reassign an employee to a shift and schedule that corresponds with jury duty

(Reference: Personnel Guidelines, 14.13; King County Code 3.12.240; MLA Article 5)

Holiday Pay

The following holiday information applies to most King County employees, but may differ for you, depending on your collective bargaining agreement. As advised at the beginning of this guide, consult with your supervisor and, if needed, your human resources service delivery manager or designee to confirm the applicability of this information.

Observed Holidays

Holiday	Day
New Year's Day	January 1
Martin Luther King, Jr. Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4

Holiday	Day
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25

Holiday leave pay is subject to the following:

- Holidays that fall on Saturday will be paid on the preceding Friday
- Holidays that fall on Sunday will be paid on the following Monday
- Employees must be in a paid status on the day before and the day to be eligible for holiday pay
- Alternative work schedules may be provided deferred holiday pay options

(Reference: Executive Policy PER 8-2-1, Personnel Guidelines 14.2, MLA Article 10)

Personal Holidays

Employees eligible for comprehensive leave benefits receive two personal holidays a year credited to your vacation leave balance in the second full pay period of the calendar year. Probationary employees are eligible to use their two personal holidays before completion of probation. The vacation credited is eight hours for a full-time employee and prorated hours for an employee working less than forty hours in a workweek.

(Reference: Personnel Guidelines, 14.2; King County Code 3.12.230)

Unpaid Holidays for Religious Purposes

You may take up to two (2) unpaid religious holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization,” unless your absence would impose an undue hardship on the employer or you are necessary to maintain public safety. Unused days do not carry over from one year to the next. If you take a partial day off, it will count as a full day toward your yearly allotment of two (2) days.

You cannot use vacation time or other time-off for this type of leave. If you choose to take vacation or other paid time-off instead of an unpaid holiday, your request will be subject to the normal paid time-off approval process. If you are an FLSA-exempt employee and you take an unpaid holiday for religious purposes, you will not be paid for that day; therefore, you must not work at all that day.

To request an unpaid holiday for religious purposes, you must provide advance written notice consistent with your work unit's usual leave without pay request process.

(Reference: Human Resources Bulletin “Unpaid Holidays for Religious Purposes” Policy #2014-003)

Leave of Absence without Pay

Any employee who is eligible for comprehensive leave benefits may take, with prior approval, a leave of absence without pay. A leave of absence without pay (LWOP) may be used for medical and non-medical purposes. For medical purposes, once you have exhausted your protected family and medical leave of absence entitlements you must obtain an approved leave of absence without pay. Leave without pay may be taken for a leave for 30 calendar days or less and for leaves of 31 days or more. If your leave is in conjunction with a workers' compensation claim, you are not required to complete a leave of absence without pay form. For more information see your department human resources manager or designee. Benefits coverage

If your unpaid leave is 30 calendar days or less, any King County-paid medical and non-medical insurance coverage you receive continues uninterrupted.

If unpaid leave is initially scheduled to last 31 or more calendar days or if your short-term unpaid leave extends beyond 31 calendar days then your King County-paid medical and non-medical insurance coverage ends at the end of the month in which the unpaid leave began (this also applies to absences related to workers compensation). To continue receiving medical benefits you must self-pay for coverage through the COBRA benefit administered by King County's COBRA vendor. To continue receiving basic and supplemental non-medical insurances (life, AD&D, LTD, STD) you must self-pay for coverage using the self-pay letter that will be provided to you by the Benefits office.

LWOP is considered a gap in King County employment. Gaps in your King County employment may affect your seniority and retirement service credit and may extend your probationary period if you are on probation when you take the leave. An LWOP over 30 days will impact your benefit service date which impacts your rate of vacation accruals. Once you enter an unpaid status under a leave without pay your sick leave, vacation leave and other benefit accruals stop. For details, talk with your human resources service delivery manager or designee.

The Director of Human Resources (DHR) may revoke your leave of absence without pay if your appointing authority provides evidence that it was granted and approved under false pretenses or if the need for your leave has ceased to exist. If you fail to return from a leave of absence without pay when your leave expires, you may be terminated from King County service.

An LWOP for the medical condition of the employee

Requesting a leave of absence without pay for employee medical reasons

When requesting an LWOP for your own medical reason, you must submit the appropriate form in accordance with your department policy. An LWOP for 30 days or less must be authorized in writing by your director. An LWOP of 31 days or more requires additional authorization by the Director of Human Resources or designee, or Transit Disability Services (for transit employees). If protected leave is ending and additional leave is needed, an LWOP form should be completed 45 days before the end of your protected leave. When a medical LWOP is used in conjunction with paid leave time, all sick and similar accruals must be used first.

Returning to work

If you take leave to recover your own health, your division manager will require you to submit a medical release concerning your ability to perform the essential functions of your job before you may return to work.

An LWOP for non-medical reasons

Requesting a leave of absence without pay

When requesting an LWOP you must submit the appropriate form in accordance with your department policy. An LWOP for 30 days or less must be authorized in writing by your director. An LWOP of 31 days or more requires additional authorization by the Human Resources Director. The leave may not exceed one year unless special circumstances apply and the human resources director grants the extension. When a non-medical LWOP is used in conjunction with paid leave time, all vacation and similar accruals must be used first.

Returning to work

If an LWOP was granted for any reason other than your own medical condition, you are not required to submit a medical release before returning to work. The Human Resources Director may revoke your leave of absence without pay if your director provides evidence that it was granted and approved under false pretenses or if the need for your leave has ceased to exist. If you fail to return from a leave of absence without pay when your leave expires, you may be terminated from King County service.

(Reference: Personnel Guidelines, 14.11; King County Code 3.12.250)

Washington State Military Family Leave Act (MFLA)

The Washington State Military Family Leave Act (RCW 49.77) provides up to 15 days of unpaid leave of absence from work per deployment for an employee whose spouse or Washington State registered domestic partner is a member of the armed forces on leave from deployment, or before and up to deployment, during a period of military conflict. (King County employees may use accrued vacation leave, compensatory time leave or executive leave, if they choose.) MFLA applies to all employees who work an average of 20 hours per week or more, regardless of the length of their employment with King County. An employee must provide notice of an impending call or order to active duty or of a leave from deployment of the employee's intention to take military family leave.

(Reference: RCW 38.40.060, RCW 49.77.030(3))

Uniformed Services Leave of Absence

All King County employees may be eligible to take leave from work for required military duties, training or drills. Washington State Military Leave entitles eligible employees to paid military leave for up to 21 days each military calendar year (Oct 1-Sept 30) for military duties, training or drills. An employee eligible for comprehensive leave benefits who has exhausted their Washington State Military Leave and volunteers or is ordered to active duty or active duty training is eligible for supplemental military pay (the employee's regular base pay less the employee's military base pay).

Washington State Military Leave

Washington law (RCW 38.40.060) provides up to 21 days of paid annual military leave of absence from work for public employees who serve in the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States. The military annual year is from October 1 through September 30. The 21 workdays refers to working days and does not require employees to take military leave for days that they are not scheduled to work even though they may be required to be engaged in active training.

King County Supplemental Military Leave Pay

King County provides pay and benefits in addition to the 21 days of state mandated military leave pay when employees are called to active duty and active duty training. These benefits include:

- Supplemental pay while on active duty per KCC 3.12.260 which is the difference between an employee's King County pay and military pay when the military pay is less than the base rate of pay
- Supplemental pay continues until the lesser of the conclusion of military service or exhaustion of rights under USERRA (generally 5 years)
- Medical, dental, vision, and basic life insurance benefits for a uniformed services leave of absence beyond 30-calendar days, per KCC 3.12.262
- Continued accrual of vacation and sick leave while on uniformed services leave, per KCC 3.12.262
- Employees may elect to continue to self-pay for their non-medical coverages (AD&D and supplemental Life)

Uniformed Services Leave Form

To request uniformed services leave, eligible employees must provide their agency Military Leave Coordinator and supervisor with reasonable verbal or written notice prior to commencement of the uniformed services leave. A copy of active duty orders, training/drill schedules, and other written documentation is not required to be approved for uniformed services leave; however, it is required for receipt of any pay or benefits. Employees must also submit the Uniformed Service Leave Form at the onset of leave and annually when using military leave. A copy of new wage and earnings in the military are also required in order for King County to calculate supplemental pay while on active duty. New forms are normally required on October 1st of each year.

(Reference: Human Resources Bulletin "Uniformed Services Leave" #2019-0004, RCW 38.40.060, KCC 3.12.262)

Organ Donor Leave

Any employee who is eligible for comprehensive leave benefits may take up to five days of paid leave to participate as a donor in a life-giving or life-saving procedure (for example, a kidney transplant, bone marrow transplant or blood transfusion). The leave is not counted as vacation leave or sick leave; however, time off in excess of five working days is subject to these other leave policies.

To qualify for organ donor leave, you must:

- Give your appointing authority reasonable advance notice of the need to take the time off
- Provide written proof from an accredited medical institution, organization or individual that your donation (for example, kidney transplant, bone marrow transplant or blood transfusion) or participation in related medical procedures is critical to a successful outcome and that serious illness, injury, pain or the eventual death of the identified recipient may result if you do not donate or participate.

(Reference: Personnel Guidelines 14.15; King County Code 3.12.215)

Leave for Volunteer Service

Any employee who is eligible for comprehensive leave benefits may use up to three days of sick leave each calendar year to volunteer at a local school or at a nonprofit organization on the approved list for the employee giving program. To do so, you must submit a written request specifying the school or

nonprofit organization's name and the volunteer service you are performing to your appointing authority for approval in advance of the leave.

(Reference: Personnel Guidelines 14.5; King County Code 3.12.225)

Sick Leave

Comprehensive leave benefit-eligible positions accrue sick leave beginning the first of the month following the month you begin your King County employment. You earn 0.04616 hours of sick leave for each hour in paid status (excluding overtime) to a maximum of eight hours a month. If you are a uniformed employee covered by Plan 1 of the Law Enforcement Officers' and Fire Fighters' state retirement system, your accruals are different; for details, check with your human resources office.

There is no limit on the hours of sick leave you can accrue, but you may not use it until you have actually accrued it and is available in the King County's payroll system. An employee may not collect sick leave and workers' compensation time loss payments for a physical incapacity due to any injury or occupational illness which is directly traceable to employment other than with the King County.

If you are an FLSA-nonexempt employee (hourly) you may use sick leave in fifteen-minute increments at the discretion of your appointing authority. If you are an FLSA-exempt employee (salaried and not eligible for overtime), you must use sick leave in full-day increments; you are not charged sick leave for partial day absences.

You are allowed to use sick leave for your own:

- Bona fide illness
- Incapacitating injury
- Exposure to contagious diseases and resulting quarantine
- Medical or dental appointments (if sick leave is approved for this use by your appointing authority)
- Temporary disability due to pregnancy and childbirth

You are also allowed to use sick leave and other paid leave or compensatory time to care for a family member, including your:

- Child under 18 years old with an illness or health condition requiring treatment or supervision
- Adult child 18 years or older with a disability
- Other family members with serious health or emergency conditions, including your:
 - Spouse/domestic partner
 - Spouse/domestic partner's child
 - Parent or person who stood in loco parentis for you or your spouse/domestic partner
 - Grandparent
 - Grandchild; or
 - Sibling.

If you leave employment for any reason other than retirement, layoff or separation for non-disciplinary medical reasons, your sick leave is forfeited on the date your employment ends. However, if you leave in good standing, are separated for a non-disciplinary medical reason, or are laid off from a full-time regular or part-time regular position and return to King County employment within two years of when you left, your sick leave hours are restored.

Except for uniformed services employees covered under the LEOFF Retirement System Plan I, when an employee meets retirement criteria (including disability retirement), they are paid for 35 percent of their unused accrued sick leave. The payout amount equals 35 percent of your unused leave multiplied by your regular hourly pay rate on the date you leave, less mandatory withholdings. If your employment ends because of your death, payment is made to your estate or, in applicable cases, as provided by Revised Code of Washington (RCW) Title 11. Sick leave cash outs may be subject to the provision of King County’s Health Reimbursement Arrangement Voluntary Employee Benefits Association (HRA VEBA) or individual collective bargaining agreements.

(Reference: Personnel Guidelines 14.4; King County Code 3.12.220)

Washington State Paid Sick Leave

Beginning January 1, 2018, the State of Washington implemented a paid sick leave law that required employers to provide a minimum amount of paid sick leave to all comprehensive leave benefit eligible employees. King County’s current policies already provided paid sick leave above the minimum threshold of the law but some types of positions, like short-term temporary positions, were not receiving these sick leave benefits. To comply with the State law, King County provides short-term temporary (STT) employees and administrative interns with accrued sick leave at the rate of 0.025 hours for each hour of pay.

(Reference: RCW 49.46 Minimum Wage Act; HR Policy 2019-0003 Paid Sick Leave)

Vacation Leave

The following vacation leave information applies to most King County employees, but may differ for you, depending on your collective bargaining agreement. As advised throughout this guide, consult with your supervisor and, if needed, your human resource professional to confirm the applicability of this information.

You accrue vacation leave from the date you are hired into a comprehensive leave benefit-eligible position according to the following table. Vacation leave may only be used once accrued and available in the payroll system. If you work less than full time, your vacation accrual is prorated to reflect your normally scheduled workday. You do not accrue vacation leave if you are on unpaid leave status.

At the end of each year, employees may carryover a certain portion of their unused vacation leave into the new year. The amount of the carryover cap depends upon your most recent date of hire as follows:

- If hired on/before 12/31/17: Up to 60 days
- If hired on/after 1/1/18: Up to 40 days

Employees who resign, terminate or have a gap in employment will receive the lower carryover threshold of up to 40 days. You may request approval to carry over excess vacation leave due to cyclical workloads, work assignments or other reasons that may be in the best interest of the King County; however, if you do not request approval to carry over excess vacation leave or your request is denied, you forfeit the excess leave. You must use vacation leave in excess of the maximum by the pay period that includes December 31.

Full Years of Service	Annual Days of Leave	Full Years of Service	Annual Days of Leave
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Upon hire through the end of year 5	12	Upon beginning year 20	24
Upon beginning year 6	15	Upon beginning year 21	25
Upon beginning year 9	16	Upon beginning year 22	26
Upon beginning year 11	20	Upon beginning year 23	27
Upon beginning year 17	21	Upon beginning year 24	28
Upon beginning year 18	22	Upon beginning year 25	29
Upon beginning year 19	23	Upon beginning year 26 and beyond	30

Vacation leave requests should be made in accordance with your agency policy and/or collective bargaining agreement. If you are FLSA-nonexempt (hourly), you may use vacation leave in fifteen-minute increments. If you are FLSA-exempt (salaried), you must use vacation leave in full-day increments; you are not charged vacation leave for any time missed less than a full day.

While you are on vacation leave, you may not work for compensation for King County in any capacity. If you leave in good standing or are laid off from a comprehensive leave benefit eligible position after completing six months of service and return to King County employment within two years of when you left, your prior King County service counts in determining your vacation accrual rate. But, you came back after 12/31/17 then you have the lower vacation leave cap.

When you leave King County employment after completing at least six months of service, you are paid for up to the carryover cap of unused vacation leave accrued to the date you leave. The leave is paid at your pay rate on the date you leave, less mandatory withholdings. (If you die after completing at least six months of service, payment is made to your estate or, in applicable cases, as provided by Revised Code of Washington (RCW) Title 11.). Vacation leave cash outs may be subject to the provisions of King County’s Health Reimbursement Arrangement Voluntary Employee Benefits Association (HRA VEBA). **(Reference: Personnel Guidelines, 14.3; King County Code 3.12.190)**

Other Leave-Related Things to Know

Donating Leave to Other Employees and Charitable Organizations

Donated leave provisions are subject to King County Code, Personnel Guidelines, Superior Court Administrative Guidelines, Master Labor Agreement, and applicable collective bargaining agreements.

Key information:

- Any employee eligible for comprehensive leave benefits may donate a portion of his or her accrued vacation and/or sick leave to another employee eligible for comprehensive leave benefits (no STT).
- You must have a sick leave balance over 100 hours to donate sick leave, and you may donate only your hours in excess of 100 to a maximum of 25 hours once in a calendar year.
- You may donate any amount of vacation leave as long as it does not cause the recipient to exceed the applicable maximum vacation accrual cap at any time during the year.
- Donation requests must use the standard Leave Donation Form
- Donations must be approved by both the donor’s and recipient’s department directors

- An employee must exhaust accrued sick leave before using donated sick leave and/or exhaust accrued vacation leave before using donated vacation leave.
- Donated leave remains with recipient (no reversion). Donated hours remaining after separation, retirement or death of the employee will expire and not be returned to original donors.
- Donations are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donated leave.
- Leave received from donations cannot be donated to another employee.
- General donated leave questions should be directed to agency payroll representatives. All donated leave processing questions should be directed to kc.enrollment@kingcounty.gov.
- Donations are converted to a dollar value based upon hourly earnings which is then converted to hours and further converted using the recipient's regular hourly rate.
- Donated leave cannot be cashed out for any reason (termination, separation or retirement).
- Employees can donate vacation and compensatory hours to non-profit organizations as part of the annual Employee Giving Program. A minimum of four hours and a maximum of 40 hours per calendar year.

(Reference: Personnel Guidelines, 14.6; King County Code 3.12.222, 3.12.223, 3.12.224)

Leave for Volunteer Service

Employees may use up to three days of their accrued sick leave each to perform volunteer services at a local services at a local school, or at a non-profit on the approved list for the Employee Giving Program. For more information, email the Employee Giving Program at: employeegiving@kingcounty.gov.

(Reference: King County Code 3.12.225)

Supplementing Workers' Compensation with Paid Leave

If you are injured on the job and are receiving time-loss compensation through workers' compensation, you must choose whether to supplement your time-loss compensation payments with paid leave. Once you have chosen whether to supplement or not to supplement, your decision is final; i.e., you cannot start and stop supplementation. If you choose to supplement, you may not simultaneously collect workers' compensation payments and sick leave totaling more than your regular net pay. If you do not opt to supplement your workers' compensation payments with sick leave, you are considered on unpaid leave and must notify King County Safety and Claims in writing at the beginning of the leave.

(Reference: Personnel Guidelines, 14.4.3, King County Code 3.12.220((K)(1-3))

Resources and References

The following tools and online resources are for reference only. To determine how these may apply to you, please consult with your agency human resource professional.

Online Resources

- King County Leave Administration Website: www.kingcounty.gov/audience/employees/benefits/leaves
 - Standardized forms including the employee Leave Request Form
 - Standardized medical certification forms
 - Paid Parental Leave calculator
- King County Human Resource Policies and Personnel Guidelines: www.kingcounty.gov/audience/employees/policy-forms/hr-policies
- King County Code - Section 3.12: www.kingcounty.gov/council/legislation/kc_code
- King County Medical Leave Ordinance: [www.kingcounty.gov/council/legislation/kc_code/06 Title 3](http://www.kingcounty.gov/council/legislation/kc_code/06_Title_3)

- Collective bargaining agreements: www.kingcounty.gov/exec/laborrelations/contracts
- Federal Family and Medical Leave Act: www.dol.gov/dol/topic/benefits-leave/fmla.htm
- Washington State Family Care Act: <https://apps.leg.wa.gov/WAC/default.aspx?cite=296-130>
- Washington Law Against Discrimination (PCPRC): [//apps.leg.wa.gov/WAC/default.aspx?cite=162-30-020](https://apps.leg.wa.gov/WAC/default.aspx?cite=162-30-020)
- Master Labor Agreements:
www.kingcounty.gov/depts/executive/labor-relations/contracts

Leave Eligibility Chart

The following chart indicates eligible family members under each protected leave.

Relationship	FMLA	KCFML	WA PFML	WFCA	WA SL	MFLA
Self	Yes	Yes	Yes	No	Yes	No
Spouse	Yes	Yes	Yes	Yes	Yes	Yes
Domestic Partner	No	Yes, with KC affidavit	Yes, if state registered	Yes, if state registered	Yes	Yes, if state registered
Child	Yes	Yes	Yes (any age) ¹	Yes	Yes	No
Spouse's Child	Yes	Yes	Yes (any age)	Yes	Yes	No
Domestic Partner's Child	No	Yes	Yes, if state registered	Yes	Yes	No
Employee's Grandchild	No	No	Yes	No	Yes	No
Employee's Grandparent	No	No	Yes	Yes	Yes	No
Employee's Parent	Yes ²	Yes ³	Yes	Yes	Yes	No
Spouse's Parent	No	Yes	Yes	Yes	Yes	No
Domestic Partner's Parent	No	Yes	Yes, if state registered	Yes	Yes	No
Employee's 'in loco parentis'	Yes	Yes	Yes	Yes	Yes	No
Spouse's 'in loco parentis'	No	Yes	Yes	Yes	Yes	No
Domestic Partner's 'in loco parentis'	No	Yes	No	Yes	Yes	No
Sibling	No	No	Yes	No	Yes	No
Next of kin	Yes, if leave is for military service member	No	No	No	No	No
Family Member for PFML	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. Does not include an individual who simply resides in the same home with no expectation that the employee care for the individual. (<i>italicized portion becomes effective July 25, 2021</i>)					

(Revised 06/13/22)

¹Includes son-in-law and daughter-in-law

² Includes biological, adoptive, step, foster

³ Includes son-in-law and daughter-in-law