



# 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 please speak with your agency human resource professional or visit King County's official leave administration [Taking Leave](#) website.

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

This guide incorporates changes from the coalition labor agreements but does not contain collective bargaining agreement information which may slightly differ than what is listed within. In general, this guide applies to non-represented employees and for a large majority of represented employees. To determine if this information applies, contact the agency human resource professional or union.

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.

The term comprehensive leave eligible<sup>1</sup> will be used often in this guide to describe employee positions which receive medical benefits and other benefits such as sick and vacation leave. Other types of positions like administrative interns and Short-Term Temporary (STT) positions are not comprehensive leave eligible positions and are not normally eligible for medical benefits unless they are eligible under the rules of the Affordable Care Act (ACA). Non-comprehensive eligible positions are also not eligible for vacation accruals but are eligible for sick leave at a lower accrual rate than a comprehensive leave eligible position.

## Administrative Leave with Pay

Employees may be required to take administrative leave with pay if the department director determines that circumstances exist making the employee 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 as needed.

**(Reference: [King County Personnel Guidelines 14.10](#))**

## Bereavement Leave

Comprehensive leave eligible employees 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 comprehensive leave eligible (i.e., short term temporary and administrative interns) 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

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<sup>1</sup> Defined as Full-time regular, part-time regular, provisional, probationary, and term-limited temporary employees. Does not include short-term temporary employees or administrative interns.

employees or hourly 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 the employee's:

- Spouse or domestic partner.
- Legal guardian, ward, or any person over whom the employee has legal guardianship or custody.
- The following family members of the employee, the employee's spouse, or the employee's domestic partner:
  - Child (including a miscarriage or stillbirth)
  - Parent (biological, adoptive, foster, stepparent, legal guardian, or a person who stood or stands in loco parentis)
  - Grandparent
  - Child-in-law
  - Grandchild
  - Sibling

***(Reference: King County Code, Coalition Labor Agreement)***

## 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.

***(Reference: [King County Personnel Guidelines 12.4](#))***

## 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 2021-0015)***

## Examination Leave

Comprehensive leave eligible employees will be entitled to necessary time off with pay for county qualifying or promotional examinations. This includes time required to complete any required interviews that are scheduled during the employee's working hours. Examination leave 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: [King County Personnel Guidelines 8.2](#))***

## Executive Leave

Employees in FLSA-exempt positions may be granted up to 10 days (80 hours) of paid executive leave each calendar year at the discretion of the department director and will be pro-rated for part-time schedules. Employees must use executive leave in the calendar year that it is granted, or forfeit it – it cannot be carried over, cashed out, donated, or used if the employee switches to a non-FLSA exempt position (hourly position).

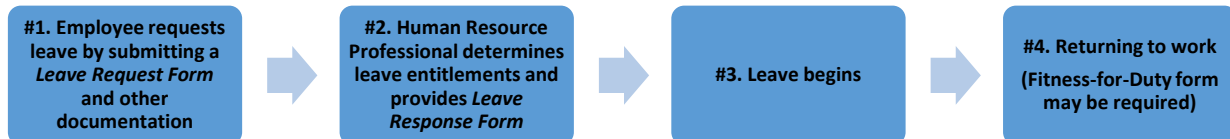
***(Reference: [King County Personnel Guidelines 12.4.F](#))***

## 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 for leave to bond with children.

These types of leave are often referred to as ‘protected leave’ which means that they protect employment, medical benefits, or both. The entire concept of a protected leave is that it protects something.

### General Leave Process



#### #1. How to request family and medical leave

When the need for a family or medical leave arises, employees should notify their agency human resource professional as soon as possible so that they can determine all rights and entitlements. Employees must provide 30 days’ advanced notice (foreseeable) or as soon as practicable when the need for leave was unforeseen. During the period awaiting a decision and during a leave of absence employees should continue to follow their departments established call-in and absence policies and procedures.

The standardized process is for employees to submit a [Leave Request Form](#) to their department human resource professional. In most situations, a medical certification form will also be required unless it is for child bonding leave.

#### #2. Determining leave entitlements

The department human resource professional will review entitlements and eligibility and provide a [Leave Response Form](#) back to the employee to inform them of their rights to leave along with the specific expectations and obligations associated with taking leave. Additional information, like the FMLA Poster, is also available within employee breakrooms.

Once leave eligibility has been determined, the department human resource professional will meet with the employee to discuss all leave options and entitlements. Other discussion topics may include:

- Dates of leave (start, expected return to work)
- Frequency and duration of leave (continuous, intermittent, etc.)
- Required medical documentation (medical certification, simple documentation, etc.)
- Leave entitlements (how long protected leave is available and what happens once protected leave is exhausted and which federal, state, or county protected leave laws apply)
- Usage of paid accruals (determine how paid leave accruals will be used during your leave)
- Application of special leave conditions (accommodations, light duty, workers compensation)
- Employee responsibilities while on leave:
  - Requirements to communicate ongoing status with department human resources.
  - Provide updated medical certification or information when requested.
  - How to code their timesheet and which time reporting codes to use (only for intermittent leave and those that already enter their own time. Employees on continuous leave should not be expected to enter their own time).

- Requirement to strictly follow any physical restrictions for the leave condition (intermittent or light duty).

### #3. Leave begins

Once an employee is approved to take protected leave there are many different aspects to consider. The need for the employee and department personnel (i.e., supervisor, human resource professional, timekeeper) to communicate and interact continues throughout the leave of absence. The main point of contact should be the department human resource professional who will coordinate the different aspects of leave and interact with employees regarding medical information. Other key aspects include:

- 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).

Only some types of family and medical leaves will provide continuation of medical benefits. When employees are receiving entitlements under more than one type of family and medical leave this means that they will receive the most beneficial aspect under those laws. When any of the applicable leave laws provides medical benefit protections employees receive the same county-paid medical benefits (medical, dental and vision) they had when on paid status immediately before leave began. Deductions for supplemental non-medical benefits (life, AD&D, LTD) will continue during paid leave.

- **Non-Medical Benefits (Life, LTD, AD&D):** Once the employee enters an unpaid status, they must self-pay for both basic and supplemental non-medical benefits. The Benefits Office will contact employees to coordinate payments.
- **Medical Benefits (medical, dental, vision):** Once employees lose access to medical benefits, they will be contacted by King County’s COBRA vendor who will send a COBRA packet in the mail to self-pay for continued medical coverages.

### #4. Returning to work

Coordinating your return to work often requires working closely with your department human resource professional and may include the following:

- A full medical release from the healthcare provider is required after leave for your own serious health condition.
- Employees who expect to exceed their protected leave rights or know that their condition may cause issues with being able to perform all essential functions of their position should work with their department human resource professional to discuss options (accommodations, light duty, disability services, etc.). It is important to start these discussions as early as possible.
- Failure to return by the expiration date of protected leave may be cause for removal and may result in termination of your employment.

## Types of Family and Medical Leave

### Federal Laws:

#### **Family and Medical Leave Act (FMLA)**

The best-known protected leave law is the federal Family and Medical Leave Act. This federal law has been in place for many years and provides eligible employees with up to 12 weeks of unpaid leave for a serious health condition (employee or family member) or for bonding with a new child (birth, adoption, foster).

Key information:



- Must have worked at least 1,250 hours in the previous 12 months and worked for the employer at least 12 total months within the last 7 years.
- Employees may choose to use paid accruals to maintain a paid status.
- Provides both re-employment and medical benefit protections.
- Often runs concurrently with other protected leave laws.

***(Reference: 29 C.F.R. Part 825)***

## Washington State Laws:

### **Washington Family Care Act (WFCA)**

The Washington Family Care Act allows employees to choose to use sick leave or other paid time off to care for a covered family member with certain health conditions.

Key information:

- Must have access and use paid accruals to receive WFCA rights.
- Eligibility includes both a serious health condition and emergency conditions.
- Cannot be used for an employee's own condition.

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

### **Washington Paid Family Medical Leave (PFML)**

The Washington Paid Family Medical Leave is a program which allows employees to submit applications to the State of Washington's Employment Security Department (ESD) to request pay for certain family and medical leaves.

Key information:

- King County does not administer any portion of this program.
- Approval, denial, and all financial payments are between the employee and ESD.
- Time away from work while receiving PFML payments are considered unpaid time from King County and may impact the vacation accrual rate and retirement credits.
- This program is funded by required employee and employer contributions.
- Employees will only receive a portion of their normal wage from ESD.
- King County does not allow employees to "supplement" their daily PFML payment with their King County paid accruals.
- May not provide re-employment rights or a right to medical benefits.
- Washington State Employment Security Department:
  - Email: [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov)
  - Phone: 833-717-2273
  - Web: [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

***(Reference: Revised Code of Washington (RCW) Title 50A)***

### **Washington Law Against Discrimination – Pregnancy (PCPRC)**

As one part of Washington discrimination laws there is a section for sex discrimination which includes discrimination for pregnancy, childbirth, and pregnancy related conditions. In King County we have created the acronym PCPRC. This Washington State law prohibits certain types of discrimination when employees are temporarily disabled due to their pregnancy, childbirth, or pregnancy related conditions.

Key information:

- Provides job protections during the temporary PCPRC disabling condition.
- May use paid accruals to maintain paid status or taken as unpaid leave.
- If taken as paid leave using leave accruals, employees are afforded the same King County-paid medical (medical, dental and vision) and non-medical benefit (life, AD&D, LTD) coverage they had immediately before leave began.
- May run concurrently with eligible protected leave laws which may include continuation of medical benefits.
- The duration of the PCPRC leave depends upon the time listed in the medical certification. There is no set amount of time off associated with this law (e.g., Caesarean vs natural birth).

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

King County Laws:

**King County Family and Medical Leave (KCFML)**

This King County KCFML ordinance has been in place for many years and provides eligible employees with up to 18 weeks of unpaid leave for a serious health condition (employee or family member) or for bonding with a new child (birth, adoption, foster).

Key information:

- Must have worked at least 1,040 hours within the past 12 months and 12 months for King County.
- Employees may choose to use paid accruals to maintain a paid status.
- Provides both re-employment and medical benefit protections.
- Often runs concurrently with other protected leave laws. The most common example is for FMLA and KCFML to run concurrently.
- Provides very similar benefits as the federal Family Medical Leave Act (FMLA) but may also cover the serious health condition of a domestic partner.

***(Reference: [King County Personnel Guidelines 14.4.5](#))***

**King County Paid Parental Leave (PPL)**

Paid Parental Leave allows comprehensive leave 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) and the award is calculated by assessing current accrued leave balances.

Key Information:

- Must have worked at least the last 6 months continuous for King County at the time of the qualifying event.
- 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.
- The paid parental leave calculator can be used to estimate PPL award.

***(Reference: [DHR Policy 2016-0004](#))***



## 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	Holiday	Day
New Year's Day	January 1	Labor Day	First Monday in September
Martin Luther King, Jr. Birthday	Third Monday in January	Indigenous Peoples' Day	Second Monday in October
Presidents Day	Third Monday in February	Veterans Day	November 11
Memorial Day	Last Monday in May	Thanksgiving Day	Fourth Thursday in November
Juneteenth	June 19	Day after Thanksgiving	Fourth Friday in November
Independence Day	July 4	Christmas Day	December 25

Holiday 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 after the holiday to be eligible for holiday pay.

### Personal Holidays

Comprehensive leave eligible employees receive two personal holidays a year credited to their 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 are prorated for an employee working less than forty hours in a workweek.

**(Reference: [King County Personnel Guidelines 14.2](#))**

## Jury Duty

Comprehensive leave eligible employees will continue to receive their compensation while on jury duty.

- Employees must notify their supervisor as soon as possible (generally a 2-week notice).
- Must notify the supervisor once dismissed for the day and at the end of the trial (supervisor will provide a reasonable period to report back to work).
- Supervisors may reassign an employee to a shift and schedule that corresponds with jury duty.
- Jury duty fees must be turned into the Finance Office (FBOD-DES) since they are receiving their regular compensation.
- Employees who are not comprehensive leave eligible (Short term temporary or interns) are not eligible for jury duty leave. These employees may retain jury duty pay from the courts.

**(Reference: [King County Personnel Guidelines 14.13](#))**

## Leave of Absence Without Pay

Comprehensive leave eligible employees may request a leave of absence without pay (LWOP) for any reason and departments may approve or deny these requests at their own discretion. A leave of absence without pay (LWOP) may be used for medical or non-medical purposes which require separate approval processes.

An approved LWOP may impact certain areas such as medical benefit coverage, retirement pension credits, and vacation leave accrual rates. For more information, discuss the request with the department human resource professional.

When an LWOP exceeds 30 calendar days it will generally impact continuation of medical (medical, dental, vision) and non-medical benefits (life, AD&D, LTD). For medical, employees may elect to self-pay for coverage through King County's COBRA provider. For non-medical, employees may elect to self-pay by sending in payment directly to the Benefits Office using provided coupons.

### Returning to work

When returning from an LWOP, the employee may be required to submit a medical release if the need for the unpaid leave was due to their own medical condition. The Human Resources Director may revoke a leave of absence without pay if there is evidence that it was granted and approved under false pretenses or if the need for the leave has ceased to exist. Employees which fail to receive an approved leave without pay or which fail to return from a leave of absence without pay when it expires, may be terminated from King County service.

**(Reference: [King County Personnel Guidelines 14.11](#))**

## Medical Donated Leave

Comprehensive leave eligible employees are eligible to participate in two different donated leave programs. One program allows eligible employees to donate leave directly to another eligible employee while the other program allows donations to be donated to a central fund and requested from a central donation fund.

- Donated leave programs are only available to comprehensive leave eligible employees (No STT or administrative interns).
- Donations can only be used for a FMLA/KCFML qualifying reason. NOTE: This does not mean that an employee must still have remaining FMLA/KCFML entitlements or who may have already exhausted or is not eligible for FMLA/KCFML entitlements.
- Donated leave must be supported by a current medical certification (or "simple documentation" for bonding leave for a birth, adoption, or foster-to-adopt placement).
- Donations must be voluntary; employees are prohibited from soliciting, offering, or receiving monetary or other compensation/benefits in exchange for donating vacation or sick leave hours.
- Employee must use all types of their own accrued leave (sick, vacation, Benefit Time, holiday banked leave, compensatory time, and executive leave) before using donated leave.
- Donated leave is excluded from leave payout provisions.
- Donation requests must be approved by donor & recipient Department Directors (or designees).
- Donated vacation leave for the purpose of supplementing sick leave cannot be denied unless approval would result in a departmental hardship for the receiving department.
- Donations are converted to a dollar value and then divided by recipients' hourly rate.
- Sick leave donations are limited to 25 hours per calendar year and donor cannot drop below 100 hours at time of donation.

- Since donations must be used for a FMLA/KCFML qualifying reason, all donations are converted to donated sick leave and placed into an employee's donated sick leave bank.
- Donated leave becomes the property of the recipient and will no longer revert to the donor after 90 days. Donated leave cannot be re-donated.
- Donated leave does not accrue additional leave upon usage.

*(Reference: [King County Personnel Guidelines 14.6](#), [Coalition Labor Agreement](#))*

## Organ Donor Leave

Comprehensive leave eligible employees 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 and is not counted against an employee's family leave entitlements. Approval for organ donor leave requires employees to:

- Give appointing authority reasonable advance notice.
- 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.

*(Reference: [King County Personnel Guidelines 14.15](#))*

## Sick Leave

All King County employees accrue sick leave.

- Comprehensive leave eligible employees accrue at the rate of 0.04616 for each hour in pay status, exclusive of overtime, up to a maximum of 8 hours per month.
- Sick leave can be used in the pay period after it is accrued.
- Sick leave is not paid out at time of separation or termination but only upon official retirement or upon the death of the employee (paid out at 35%, according to collective bargaining agreements, or according to HRA VEBA rules). Sick leave can only be cashed out once under the retirement provisions.
- There is no limit to the amount of sick leave which may be accrued or carried over by comprehensive leave eligible employees.
- FLSA-exempt (salaried) employees must use sick leave in full day increments.
- Short-Term Temporary (STT) and administrative intern positions are **not** comprehensive leave benefit positions but do accrue sick leave at a lower rate of 0.025 for each hour in paid status. These positions may only carryover up to 40 hours of sick leave each year.

*(Reference: [HR Policy - Paid Sick Leave](#), and [King County Personnel Guidelines 14.4](#))*

## Uniformed Services Leave of Absence

All King County employees may be eligible to take leave for required active duty, active-duty training, or inactive duty military training ([Uniformed Services Leave Form](#)). The following chart outlines the military leave related benefits associated with different position types.

	<b>Washington State Military Leave (RCW 38.40.060)</b>	<b>USERRA (20 CFR Part 1002)</b>	<b>King County (KCC 3.12.260)</b>
<b>Comprehensive leave eligible positions</b>	Yes. Receive up to 21- days of paid military leave each military calendar year	Yes. Re-employment rights	Yes. Differential pay, medical, dental, vision, and basic life when called to active duty or active-duty training
<b>Non-comprehensive leave eligible positions (STT, interns)</b>	Yes. Receive up to 21- days of paid military leave each military calendar year	Yes. Re-employment rights	Not applicable

(Reference: [King County Personnel Guidelines 14.12](#))

## Unpaid Holidays for Religious Purposes

King County employees 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 the absence would impose an undue hardship on the employer, or the position is necessary to maintain public safety. Unused days do not carry over from one year to the next. A partial day off will count as a full day toward one of the two days per calendar year.

These days can only be unpaid (accruals cannot be used to receive pay). If employees choose to take vacation or other paid time-off instead of an unpaid holiday, the request will be subject to the normal paid time-off approval process. Employees in FLSA-exempt (salaried) positions must take these days in full day increments and will not be paid for that day and these employees must not work any portion of that unpaid day.

To request an unpaid holiday for religious purposes, employees must provide advance written notice consistent with their work unit’s usual leave without pay request process. The written request should include the employee’s name, the day requested off, the amount of unpaid time requested, and a sufficient description of the reason for the leave request to determine if it qualifies under the law.

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

## Vacation Leave

Comprehensive leave eligible employees accrue vacation leave as described in the [King County Personnel Guidelines](#) based upon full years of service.

- Vacation leave is prorated based upon an employee’s standard work schedule.
- Vacation leave has an annual carryover limit (prorated to reflect normally scheduled workday) <sup>2</sup>
  - Hired before 1/1/18: Can carryover up to 480 hours each year.
  - Hired on or after 1/1/18: Can carryover up to 320 hours each year.
- Employees may request permission to carry over more than the maximum carry over amount by submitting a request to the Director of Human Resources (DHR).

<sup>2</sup> 2018 Total Compensation Agreement lowered the maximum carryover from 60 to 40 days for employees hired on or after 1/1/18. Applies to all non-represented employee and all unions who have ratified total compensation agreement.

- Vacation leave can be used in the pay period after it is accrued.
- Follow agency established process for requesting vacation leave.
- Vacation leave does not accrue during periods of unpaid leave.
- The rate that vacation leave is accrued can be impacted by events such as an unpaid leave of absence over 30 days in length, periods of separations, and other factors. These events will likely require an adjustment to the employee’s Benefit Service Date (sometimes called Adjusted Service Date) which is the date used for determining an employee’s vacation accrual rate among other things.
- To be clear, employees may accrue more than the maximum carryover amount during the calendar year but must drop below their maximum annual carryover before the end of the pay period that includes December 31st each year.
- Vacation leave cash outs may be subject to the provisions of King County’s Health Reimbursement Arrangement Voluntary Employee Benefits Association (HRA VEBA).

Full Years of Service	Annual Days of Leave	Full Years of Service	Annual Days of Leave
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

*(Reference: [King County Personnel Guidelines 14.3](#), [King County Code 3.12.190](#))*

## Volunteer Service Leave

Comprehensive leave eligible employees may use up to three days of sick leave each calendar year to volunteer at a local school or at a nonprofit organization ([Employee Giving Program](#)). Employees must submit a written request specifying the school or nonprofit organization’s name and the volunteer service they are performing to your appointing authority for approval ([Sick Leave Volunteer Form](#)).

*(Reference: [King County Personnel Guidelines 14.5](#))*