

WAC 357-31-445 What happens to leave that was donated under the state leave sharing program and was not used by the recipient? (1) Any shared leave not used by the recipient during each incident/occurrence as determined by the employer must be returned to the donor(s).

(a) If shared leave has been granted ((under WAC 357-31-390 (1)(a), before the employer makes a determination to return the unused leave to the donor(s))) for an employee that suffers from an illness, injury, impairment, or physical mental condition which is of an extraordinary or severe nature unused shared leave may not be returned to the donor until one of the following occurs:

(i) The employer ((must)) receives ((from the affected employee's licensed physician or health care practitioner)) a statement from the affected employee's licensed physician or health care practitioner verifying that the ((employee is released to return to work.)) illness or injury is resolved; or

(ii) The employee is released by their licensed physician or health care practitioner to return to their normal schedule; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's licensed physician or health care practitioner has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) The remaining shared leave must be returned to the donors and reinstated to the respective donors' appropriate leave balances based on each employee's current salary rate at the time of the reversion. The shared leave returned must be returned in accordance with office of financial management policies.

(2) Unused shared leave may not be cashed out by a recipient.

NEW SECTION

WAC 357-31-447 When must an employer approve a shared leave request for an employee? An employer must approve a new shared leave request for an employee if a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account.