

1
2
3
4
5
6
7
8
9

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE EVERGREEN STATE COLLEGE (EVERGREEN)
AND
THE WASHINGTON FEDERATION OF STATE EMPLOYEES (UNION)
STUDENT SUPPORT SERVICES STAFF UNION (SSSSU)
VACATION LEAVE ACCRUAL INCREASE

10 During the 2024 Washington State Legislative session, HB 2246 was passed and signed into law.
11 HB 2246 increases the vacation leave accrual maximum for state employees to ~~480~~ 280 hours
12 effective June 6, 2024.

13
14 The parties agree that Article 13, Vacation Leave, of the 2023-2025 TESC-WFSE Student
15 Support Services Staff Union (SSSSU) Collective Bargaining Agreement will be modified as
16 described in the following attachment, effective June 6, 2024.

17

18 Attachment: Article 13, Vacation Leave

19

20 Agreed To:

21 For the Union:

For the Employer:

22

23 Becky Stephens

Laurel J. Dymanski

24

25 Date: 5/17/2024

Date: 05/17/2024

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

ARTICLE 13
VACATION LEAVE

13.1 Employees will retain and carry forward any eligible and unused vacation leave that was accrued prior to the effective date of this agreement.

13.2 Vacation Leave Accrual – Full-Time Employees

Full-time employees will accrue sixteen hours, 40 minutes (16.67) of vacation leave per each calendar month of completed service.

A. Vacation leave accruals for the calendar month will be credited and available for employee use on the last day of the month.

B. Employees hired the 1st through the 15th of the month will receive the vacation leave accrual credit for that month. Employees hired on the 16th through the end of the month will not receive a vacation leave accrual credit for that month.

C. Employees who separate from employment with the Employer between the 1st through the 15th of the month will not receive a vacation leave accrual for that month. Employees who separate from employment with the Employer between the 16th through the end of the month will receive the vacation leave accrual credit for that month.

D. Vacation leave will not accrue during a month when leave without pay exceeds eighty (80) hours in any calendar month, nor will credit be given toward the rate of vacation leave accrual except during military leave without pay.

13.3 Vacation Leave Accrual - Part-Time Employees

56 Employees working less than full-time schedules will accrue vacation leave on the same
57 proportional basis that their appointment bears to a full-time appointment.

58

59 A. Vacation leave accruals for the calendar month will be credited and available for
60 employee use on the last day of the month.

61

62 B. Employees hired the 1st through the 15th of the month will receive the vacation leave
63 accrual credit for that month. Employees hired on the 16th through the end of the
64 month will not receive a vacation leave accrual credit for that month.

65

66 C. Employees who separate from employment with the Employer between the 1st
67 through the 15th of the month will not receive a vacation leave accrual for that
68 month. Employees who separate from employment with the Employer between the
69 16th through the end of the month will receive the vacation leave accrual credit for
70 that month.

71

72 D. Employees working less than a full-time schedule will not accrue vacation leave
73 during a month when leave without pay exceeds the amount that is the same
74 proportional basis that their appointment bears to a full-time appointment, nor will
75 credit be given toward the rate of vacation leave accrual except during military
76 leave without pay.

77

78 **13.4 Vacation Scheduling for All Employees**

79

80 A. Leave will be charged in the amount actually used by the employee.

81

82 B. Employees will submit requests for vacation leave in advance unless the use of
83 leave was unanticipated, such as the use of vacation leave for unanticipated sick-
84 leave purposes. Leave requests for unanticipated leave will be submitted by the
85 employee no later than the first day upon returning to work.

86

- 87 C. When considering requests for vacation leave, the College will take into account
88 the desires of the employee but may require that leave be taken at a time appropriate
89 to business and customer service needs.
90
- 91 D. An employee will not request or be authorized to take scheduled vacation leave if
92 the employee will not have sufficient vacation leave to cover such absence at the
93 time the leave will commence.
94
- 95 E. An employee who lacks sufficient vacation leave to cover all time scheduled for
96 vacation may not take the time off in excess of available accrued leave as leave
97 without pay unless authorized by management in advance of the absence.
98
- 99 F. Vacation leave will be approved or denied within ten (10) calendar days of the
100 request. If the leave is denied, a reason will be provided in writing.
101

102 **13.5 Family Care**

103

104 Employees may use vacation leave for care of family members as required by the Family
105 Care Act, WAC 296-130.

106

107 **13.6 Military Family Leave**

108

109 Employees may use vacation leave for leave as required by the Military Family Leave Act,
110 RCW 49.77 and in accordance with Section 18.13 of Article 18 Leave Without Pay.

111

112 **13.7 Domestic Violence Leave**

113

114 Employees may use vacation leave for leave as required by the Domestic Violence Leave
115 Act, RCW 49.76.

116

117 **13.8 Health Emergency Labor Standards Act (HELSA)**

118 Employees may use vacation leave when a high-risk employee, as defined in RCW
119 49.17.062, seeks reasonable accommodation and the Employer determines that leave is the
120 only available reasonable accommodation, until completion of the public health emergency
121 or another accommodation is made available.

122

123 **13.9 Legislative Service Leave**

124 Employees may use vacation leave in order to perform any official duty as a member of
125 the Washington state legislature during regular and special legislative sessions in
126 accordance with RCW 49.100.020.

127

128 **13.10 Use of Vacation Leave for Sick Leave Purposes**

129

130 The College may allow an employee who has used all of their sick leave to use vacation
131 leave for sick leave purposes as provided in Section 14.2 A-J of Article 14—Sick Leave.

132

133 **13.11 Emergency Childcare and Eldercare**

134

135 Employees may use vacation leave for childcare and eldercare emergencies. Use of
136 vacation leave and sick leave for emergency childcare is limited to a combined maximum
137 of four (4) days per calendar year.

138

139 **13.12 Vacation Cancellation**

140

141 Should the College be required to cancel scheduled vacation leave because of an
142 emergency or exceptional business needs, affected employees may select new vacation
143 leave from available dates. In the event the affected employee has incurred non-refundable,
144 out-of-pocket vacation expense, the employee will be reimbursed by the College.

145

146 **13.13 Vacation Leave Maximum**

147

148 Employees may accumulate maximum vacation leave balances not to exceed two hundred
149 and eighty (280) hours. However, there are two (2) exceptions that allow vacation leave
150 to accumulate above the maximum:

151

152 A. If an employee's request for vacation leave is denied by the College, and the employee
153 is close to the vacation leave maximum, the College will grant an extension for
154 each month that the College must defer the employee's request for vacation leave.

155

156 B. An employee may also accumulate vacation leave days in excess of two hundred and
157 eighty (280) hours as long as the employee uses the excess balance prior to their
158 anniversary date. Any leave in excess of the maximum that is not deferred in
159 advance of its accrual as described above, will be lost on the employee's
160 anniversary date.

161

162 **13.14 Separation**

163

164 A. Unused vacation leave credits of any employee who resigns to accept employment
165 with another state agency or institution, without a break in state service, will
166 transfer with the employee to the new employer.

167

168 B. Any employee, who resigns with adequate notice and will have a break in service
169 because they have not accepted employment with another state agency or
170 institution, retires, is laid off, or is terminated by the College, will be entitled to be
171 paid for vacation leave credits.

172

173 C. The estate of a deceased employee will be entitled to payment for vacation leave
174 credits.

175

176 D. An employee's unpaid holiday for a reason of faith or conscience must be used in
177 full workday increments and is equivalent to the employee's work shift on the day
178 selected for the unpaid holiday.

179
180
181
182
183
184
185
186
187
188
189
190

- E. A permanent or probationary employee who is on a unpaid holiday for reasons of faith and conscience on a work shift preceding a paid holiday, as designated in Article 12.1, will receive holiday pay for the designated holiday.

- F. An employee's seniority date and probationary period will not be affected by leave without pay taken for a reason of faith or conscience.

- G. Employees will only be required to identify that the request for leave is for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.