

**WAC 357-31-215 When may vacation leave be accumulated above the maximum 280 hours?** There are two circumstances in which vacation leave may be accumulated above the maximum of 280 hours.

(1) If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum vacation leave (280 hours), the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.

(2) As an alternative to subsection (1) of this section, employees may also accumulate vacation leave in excess of 280 hours as follows:

(a) An employee may accumulate the vacation leave hours between the time the 280 hours is accrued and their next anniversary date of state employment.

(b) Leave accumulated above 280 hours must be used by the next anniversary date and in accordance with the employer's leave policy. If such leave is not used before the employee's anniversary date, the excess leave is automatically lost and considered to have never existed.

(c) A statement of necessity, as described in subsection (1) of this section, can only defer leave that the employee has not accrued as of the date of the statement of necessity. Any accrued leave in excess of 280 hours as of the date of the statement of necessity cannot be deferred regardless of circumstances. For example:

On June 15th, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time.

- On June 15th, the employee's vacation leave balance is 300 hours.

- The employee accrues 10 hours monthly.

- The employee's anniversary date is October 16th.

Because the employee will not be able to use leave from June 15th through December 15th the employee files a statement of necessity asking to defer the leave accrued during this time. This deferred leave will not be lost as long as the employee uses the deferred hours by their next anniversary date (October 16th of the following year).

The 20 hours of excess vacation leave the employee had on June 15th are not covered by the statement of necessity.

[Statutory Authority: RCW 41.06.133, 43.01.040, and 43.01.044. WSR 24-18-069, § 357-31-215, filed 8/29/24, effective 10/1/24. Statutory Authority: Chapter 43.01 RCW. WSR 17-18-028, § 357-31-215, filed 8/28/17, effective 10/2/17. Statutory Authority: Chapter 41.06 RCW. WSR 09-23-057, § 357-31-215, filed 11/12/09, effective 12/15/09; WSR 09-11-065, § 357-31-215, filed 5/14/09, effective 6/16/09; WSR 05-08-137, § 357-31-215, filed 4/6/05, effective 7/1/05.]