

Unpaid Holidays for Reason of Faith or Conscience

Each ESD 123 employee may request up to two (2) unpaid 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. In compliance with state law, the Superintendent or designee will grant the request(s) unless he/she determines that the employee's absence would impose an undue hardship on ESD 123 or the employee is necessary to maintain public safety.

Employee Request Process

An employee seeking to take unpaid holidays for reasons of faith or conscience will submit a written request to their supervisor a minimum of two (2) weeks prior to the requested day(s) off.

The following information will be included in the request:

1. Name;
2. Position;
3. Number of day(s) that the employee is requesting off; and,
4. A sufficient description of the reason for the time off so that the supervisor can determine whether it involves a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

Consideration/Approval Process

Upon receipt of an employee request for unpaid holidays, the Superintendent or designee will determine whether the:

1. request was submitted on a timely basis or sufficient justification exists for it not being timely submitted;
2. employee has already exhausted their two (2) unpaid holidays per calendar year as provided by law;
3. request for unpaid holidays is based on a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization (Note: The time requested need not conform to a specific holiday or event);
4. employee's absence would impose an undue hardship on ESD 123; or
5. employee is necessary to maintain public safety.

For this purpose of this leave, undue hardship is defined as an action requiring significant difficulty or expense to ESD 123. The Superintendent or designee will determine whether a request for unpaid leave constitutes an undue hardship for ESD 123 on a case-by-case basis, taking into account specific objective facts and circumstances present at the time of each request.

In determining whether an employee's request for unpaid leave would impose an undue hardship on ESD 123, the following factors will be considered:

1. The number, composition, and structure of the staff employed in the requesting employee's program/department;
2. The financial resources of ESD 123 or the requesting employee's program/department;
3. The number of employees requesting leave for each day subject to such a request;

4. The financial impact on ESD 123 or requesting employee's program/department resulting from the employee's absence and whether that impact is greater than a de minimis cost to ESD 123 or the requesting employee's program/department;
5. Impact on ESD 123, the requesting employee's program/department or public safety;
6. Type of operations of ESD 123 or the requesting employee's program/department;
7. The geographic location of the employee or geographic separation of the particular program/department to the operations of ESD 123;
8. Nature of the requesting employee's work;
9. Deprivation of another employee's job preference or other benefit guaranteed by ESD 123 policy and/or practice; and,
10. Any other impact on ESD 123 operations or the requesting employee's program/department due to the employee's absence.

The request may be denied for any of the following reasons:

1. The request was not based on a reason of faith, conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization (note: the requested time off need does not conform to a specific holiday or event);
2. The employee has already exhausted their two (2) unpaid holidays per calendar year (note: unpaid holidays are not cumulative from year to year);
3. The employee is necessary to maintain public safety; or,
4. Granting the request would impose an undue hardship, as defined above, on ESD 123.

A written response will be provided to the employee within five (5) business days, if feasible, approving or denying the request. If the request is denied, the response will state the reason(s).

Approval of unpaid holiday time does not constitute approval for an employee to take compensation or other types of leave in conjunction with that time. An employee must seek separate approval for compensation and other types of personnel leave consistent with applicable ESD 123 policies and procedures.

First Reading: 12/16/21

Second Reading: 1/27/22

Adoption: 1/27/22

Reference:

[RCW 1.16.050 "Legal holidays" and "legislatively recognized days"—Unpaid holidays for employees with appointments or contracts of less than twelve consecutive months.](#)

[RCW 43.41 Office Of Financial Management](#)

[WAC 82-56-010 Purpose.](#)

[WAC 82-56-020 Definition of undue hardship.](#)

[WAC 82-56-030 Application of definition of undue hardship to request.](#)

Cross Reference:

[Policy 5400 - Personal Leave](#)

[Policy 5401 - Sick Leave](#)

[Policy 5403 - Emergency Leaves](#)

[Policy 5404 - Family, Medical, and Maternity Leave](#)

[Policy 5406 - Leave Sharing](#)
[Policy 5407 - Military Leave](#)
[Policy 5408 - Jury Duty and Subpoena Leave](#)
[Policy 5410 - Calendar](#)
[Policy 5411 - Annual Leave-Vacation](#)
[Policy 5412 - Discretionary Leave](#)