

ESSB 6724 - H COMM AMD

By Committee on Ways & Means

ADOPTED 03/04/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 41.04.665 and 2008 c 36 s 3 are each amended to read
4 as follows:

5 (1) An agency head may permit an employee to receive leave under
6 this section if:

7 (a)(i) The employee suffers from, or has a relative or household
8 member suffering from, an illness, injury, impairment, or physical or
9 mental condition which is of an extraordinary or severe nature;

10 (ii) The employee has been called to service in the uniformed
11 services;

12 (iii) A state of emergency has been declared anywhere within the
13 United States by the federal or any state government and the employee
14 has needed skills to assist in responding to the emergency or its
15 aftermath and volunteers his or her services to either a governmental
16 agency or to a nonprofit organization engaged in humanitarian relief in
17 the devastated area, and the governmental agency or nonprofit
18 organization accepts the employee's offer of volunteer services; or

19 (iv) The employee is a victim of domestic violence, sexual assault,
20 or stalking;

21 (b) The illness, injury, impairment, condition, call to service,
22 emergency volunteer service, or consequence of domestic violence,
23 sexual assault, or stalking has caused, or is likely to cause, the
24 employee to:

25 (i) Go on leave without pay status; or

26 (ii) Terminate state employment;

27 (c) The employee's absence and the use of shared leave are
28 justified;

29 (d) The employee has depleted or will shortly deplete his or her:

1 (i) Annual leave and sick leave reserves if he or she qualifies
2 under (a)(i) of this subsection;

3 (ii) Annual leave and paid military leave allowed under RCW
4 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

5 (iii) Annual leave if he or she qualifies under (a)(iii) or (iv) of
6 this subsection;

7 (e) The employee has abided by agency rules regarding:

8 (i) Sick leave use if he or she qualifies under (a)(i) or (iv) of
9 this subsection; or

10 (ii) Military leave if he or she qualifies under (a)(ii) of this
11 subsection; and

12 (f) The employee has diligently pursued and been found to be
13 ineligible for benefits under chapter 51.32 RCW if he or she qualifies
14 under (a)(i) of this subsection.

15 (2) The agency head shall determine the amount of leave, if any,
16 which an employee may receive under this section. However, an employee
17 shall not receive a total of more than (~~two hundred sixty one~~) five
18 hundred twenty-two days of leave, except that, a supervisor may
19 authorize leave in excess of five hundred twenty-two days in
20 extraordinary circumstances for an employee qualifying for the shared
21 leave program because he or she is suffering from an illness, injury,
22 impairment, or physical or mental condition which is of an
23 extraordinary or severe nature. Shared leave received under the
24 uniformed service shared leave pool in RCW 41.04.685 is not included in
25 this total.

26 (3) An employee may transfer annual leave, sick leave, and his or
27 her personal holiday, as follows:

28 (a) An employee who has an accrued annual leave balance of more
29 than ten days may request that the head of the agency for which the
30 employee works transfer a specified amount of annual leave to another
31 employee authorized to receive leave under subsection (1) of this
32 section. In no event may the employee request a transfer of an amount
33 of leave that would result in his or her annual leave account going
34 below ten days. For purposes of this subsection (3)(a), annual leave
35 does not accrue if the employee receives compensation in lieu of
36 accumulating a balance of annual leave.

37 (b) An employee may transfer a specified amount of sick leave to an

1 employee requesting shared leave only when the donating employee
2 retains a minimum of one hundred seventy-six hours of sick leave after
3 the transfer.

4 (c) An employee may transfer, under the provisions of this section
5 relating to the transfer of leave, all or part of his or her personal
6 holiday, as that term is defined under RCW 1.16.050, or as such
7 holidays are provided to employees by agreement with a school
8 district's board of directors if the leave transferred under this
9 subsection does not exceed the amount of time provided for personal
10 holidays under RCW 1.16.050.

11 (4) An employee of an institution of higher education under RCW
12 28B.10.016, school district, or educational service district who does
13 not accrue annual leave but does accrue sick leave and who has an
14 accrued sick leave balance of more than twenty-two days may request
15 that the head of the agency for which the employee works transfer a
16 specified amount of sick leave to another employee authorized to
17 receive leave under subsection (1) of this section. In no event may
18 such an employee request a transfer that would result in his or her
19 sick leave account going below twenty-two days. Transfers of sick
20 leave under this subsection are limited to transfers from employees who
21 do not accrue annual leave. Under this subsection, "sick leave" also
22 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)
23 with compensation for illness, injury, and emergencies.

24 (5) Transfers of leave made by an agency head under subsections (3)
25 and (4) of this section shall not exceed the requested amount.

26 (6) Leave transferred under this section may be transferred from
27 employees of one agency to an employee of the same agency or, with the
28 approval of the heads of both agencies, to an employee of another state
29 agency. ~~((However, leave transferred to or from employees of school
30 districts or educational service districts is limited to transfers to
31 or from employees within the same employing district.))~~

32 (7) While an employee is on leave transferred under this section,
33 he or she shall continue to be classified as a state employee and shall
34 receive the same treatment in respect to salary, wages, and employee
35 benefits as the employee would normally receive if using accrued annual
36 leave or sick leave.

37 (a) All salary and wage payments made to employees while on leave

1 transferred under this section shall be made by the agency employing
2 the person receiving the leave. The value of leave transferred shall
3 be based upon the leave value of the person receiving the leave.

4 (b) In the case of leave transferred by an employee of one agency
5 to an employee of another agency, the agencies involved shall arrange
6 for the transfer of funds and credit for the appropriate value of
7 leave.

8 (i) Pursuant to rules adopted by the office of financial
9 management, funds shall not be transferred under this section if the
10 transfer would violate any constitutional or statutory restrictions on
11 the funds being transferred.

12 (ii) The office of financial management may adjust the
13 appropriation authority of an agency receiving funds under this section
14 only if and to the extent that the agency's existing appropriation
15 authority would prevent it from expending the funds received.

16 (iii) Where any questions arise in the transfer of funds or the
17 adjustment of appropriation authority, the director of financial
18 management shall determine the appropriate transfer or adjustment.

19 (8) Leave transferred under this section shall not be used in any
20 calculation to determine an agency's allocation of full time equivalent
21 staff positions.

22 (9) The value of any leave transferred under this section which
23 remains unused shall be returned at its original value to the employee
24 or employees who transferred the leave when the agency head finds that
25 the leave is no longer needed or will not be needed at a future time in
26 connection with the illness or injury for which the leave was
27 transferred or for any other qualifying condition. Before the agency
28 head makes a determination to return unused leave in connection with an
29 illness or injury, or any other qualifying condition, he or she must
30 receive from the affected employee a statement from the employee's
31 doctor verifying that the illness or injury is resolved. To the extent
32 administratively feasible, the value of unused leave which was
33 transferred by more than one employee shall be returned on a pro rata
34 basis.

35 (10) An employee who uses leave that is transferred to him or her
36 under this section may not be required to repay the value of the leave
37 that he or she used.

1 (11) The director of personnel may adopt rules as necessary to
2 implement subsection (2)(a) through (c) of this section.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately."

7 Correct the title.

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