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**SENATE BILL 5479**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Saldaña, Miloscia, Hasegawa, Chase, Hunt, Darneille, Ranker, Conway, Wellman, Cleveland, Keiser, Carlyle, Liias, Kuderer, Pedersen, and Frockt

AN ACT Relating to establishing a shared parental leave program; amending RCW 41.04.655; adding a new section to chapter 41.04 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that allowing spouses and domestic partners to share leave for the purposes of caring for a child whose illness does not meet the criteria for the shared leave program, or for maternity or paternity leave, would aid in the physical, financial, and psychological welfare of both children and working parents. The legislature further finds a family focused shared leave policy may provide the opportunity to diversify the workforce for parents who otherwise struggle to balance family and work responsibilities. Therefore, the legislature intends to allow spouses and domestic partners to share leave balances in order to care for children.

**Sec.**  RCW 41.04.655 and 2008 c 36 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, section 3 of this act, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Program" means the leave sharing program established in RCW 41.04.660.

(4) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(5) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(6) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(7) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(8) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(9) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

NEW SECTION. **Sec.**  A new section is added to chapter 41.04 RCW to read as follows:

(1) The Washington state parental leave sharing program is hereby created. The purpose of the program is to permit state employees, at no significantly increased cost to the state, to provide annual leave, sick leave, or personal holidays to their spouse or domestic partner who both work for the state to share leave for the purposes of child care.

(2) An agency head may permit an employee to receive shared parental leave from the employee's spouse or registered domestic partner for child care, and maternity leave or paternity leave following the birth or placement of a child. For the purposes of the parental leave sharing program child care includes but is not limited to maternity leave and paternity leave following the birth or placement of a child.

(3) The agency head shall determine the amount of leave, if any, that an employee may receive under this section.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, to his or her spouse or registered domestic partner.

(5) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

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

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

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

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

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

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

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

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

(9) The office of financial management and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions:

(a) Establishing appropriate parameters for the parental shared leave program;

(b) Providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave;

(c) Establishing procedures to ensure that the parental shared leave program does not significantly increase the cost of providing leave; and

(d) Providing for the administration of the parental shared leave program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

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