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THIRD SUBSTITUTE HOUSE BILL 1381

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State of Washington

54th Legislature

1996 Regular Session

**By** House Committee on Government Operations (originally sponsored by Representatives Dyer, Brumsickle, Patterson, Campbell, Brown, Hankins, Chopp, Schoesler, Romero, Chandler, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, H. Sommers, Kessler, Mielke, Honeyford, Kremen, Wolfe, Boldt and Conway)

Read first time 02/02/96.

1 AN ACT Relating to shared leave; amending RCW 41.04.665 and  
2 41.04.660; and creating a new section.

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

4 **Sec. 1.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read  
5 as follows:

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

8 (a) The employee suffers from, or has a relative or household  
9 member suffering from, an illness, injury, impairment, or physical or  
10 mental condition which is of an extraordinary or severe nature and  
11 which has caused, or is likely to cause, the employee to:

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

13 (ii) Terminate state employment;

14 (b) The employee's absence and the use of shared leave are  
15 justified;

16 (c) The employee has depleted or will shortly deplete his or her  
17 annual leave and sick leave reserves;

18 (d) The employee has abided by agency rules regarding sick leave  
19 use; and

1 (e) The employee has diligently pursued and been found to be  
2 ineligible for benefits under chapter 51.32 RCW.

3 (2) The agency head shall determine the amount of leave, if any,  
4 which an employee may receive under this section. However, an employee  
5 shall not receive a total of more than two hundred sixty-one days of  
6 leave.

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

9 (a) An employee who has an accrued annual leave balance of more  
10 than ten days may request that the head of the agency for which the  
11 employee works transfer a specified amount of annual leave to another  
12 employee authorized to receive leave under subsection (1) of this  
13 section. In no event may the employee request a transfer of an amount  
14 of leave that would result in his or her annual leave account going  
15 below ten days. For purposes of this subsection (3)(a), annual leave  
16 does not accrue if the employee receives compensation in lieu of  
17 accumulating a balance of annual leave.

18 (b) An employee may transfer a specified amount of sick leave to an  
19 employee requesting shared leave only when the donating employee  
20 retains a minimum of four hundred eighty hours of sick leave after the  
21 transfer. In no event may such an employee request a transfer of more  
22 than six days of sick leave during any twelve-month period.

23 (c) An employee may transfer all or part of his or her personal  
24 holiday, as that term is defined under RCW 1.16.050, under the  
25 provisions of this section relating to the transfer of leave.

26 (4) An employee of (~~(a community college)~~) an institution of higher  
27 education under RCW 28B.10.016, school district, or educational service  
28 district who does not accrue annual leave but does accrue sick leave  
29 and who has an accrued sick leave balance of more than sixty days may  
30 request that the head of the agency for which the employee works  
31 transfer a specified amount of sick leave to another employee  
32 authorized to receive leave under subsection (1) of this section. In  
33 no event may such an employee request a transfer of more than six days  
34 of sick leave during any twelve month period, or request a transfer  
35 that would result in his or her sick leave account going below sixty  
36 days. Transfers of sick leave under this subsection are limited to  
37 transfers from employees who do not accrue annual leave. Under this  
38 subsection, "sick leave" also includes leave accrued pursuant to RCW

1 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury,  
2 and emergencies.

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

5 (6) Leave transferred under this section may be transferred from  
6 employees of one agency to an employee of the same agency or, with the  
7 approval of the heads of both agencies, to an employee of another state  
8 agency. However, leave transferred to or from employees of school  
9 districts or educational service districts is limited to transfers to  
10 or from employees within the same employing district.

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

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

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

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

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

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

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

1 (9) The value of any leave transferred under this section which  
2 remains unused shall be returned at its original value to the employee  
3 or employees who transferred the leave when the agency head finds that  
4 the leave is no longer needed or will not be needed at a future time in  
5 connection with the illness or injury for which the leave was  
6 transferred. To the extent administratively feasible, the value of  
7 unused leave which was transferred by more than one employee shall be  
8 returned on a pro rata basis.

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

12 **Sec. 2.** RCW 41.04.660 and 1990 c 23 s 1 are each amended to read  
13 as follows:

14 The Washington state leave sharing program is hereby created. The  
15 purpose of the program is to permit state employees, at no  
16 significantly increased cost to the state of providing annual ((or))  
17 leave, sick leave, or personal holidays, to come to the aid of a fellow  
18 state employee who is suffering from or has a relative or household  
19 member suffering from an extraordinary or severe illness, injury,  
20 impairment, or physical or mental condition which has caused or is  
21 likely to cause the employee to take leave without pay or terminate his  
22 or her employment.

23 NEW SECTION. **Sec. 3.** The legislative budget committee shall  
24 prepare a study of leave transfer and submit the report to the  
25 legislature on or before December 1, 1997.

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