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**SUBSTITUTE SENATE BILL 5476**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Loveland, Winsley, Fraser, Haugen, Kohl, Wood, Drew, Bauer, Pelz, Prentice, Quigley, McAuliffe, Roach, Fairley, Franklin, Prince and Long)

Read first time 02/24/95.

1 AN ACT Relating to shared leave; and amending RCW 41.04.660 and  
2 41.04.665.

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

4 **Sec. 1.** RCW 41.04.660 and 1990 c 23 s 1 are each amended to read  
5 as follows:

6 The Washington state leave sharing program is hereby created. The  
7 purpose of the program is to permit state employees, at no  
8 significantly increased cost to the state of providing annual ~~((or))~~  
9 leave, sick leave, or personal holidays, to come to the aid of a fellow  
10 state employee who is suffering from or has a relative or household  
11 member suffering from an extraordinary or severe illness, injury,  
12 impairment, or physical or mental condition which has caused or is  
13 likely to cause the employee to take leave without pay or terminate his  
14 or her employment.

15 **Sec. 2.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read  
16 as follows:

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

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

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

6 (ii) Terminate state employment;

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

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

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

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

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 days of  
18 leave.

19 (3) An employee who has an accrued annual leave balance of more  
20 than ten days may request that the head of the agency for which the  
21 employee works transfer a specified amount of annual leave to another  
22 employee authorized to receive leave under subsection (1) of this  
23 section. In no event may the employee request a transfer of an amount  
24 of leave that would result in his or her annual leave account going  
25 below ten days.

26 (4) An employee (~~(of a community college, school district, or~~  
27 ~~educational service district who does not accrue annual leave but does~~  
28 ~~accrue sick leave and)) who has an accrued sick leave balance of more  
29 than sixty days may request that the head of the agency for which the  
30 employee works transfer a specified amount of sick leave to another  
31 employee authorized to receive leave under subsection (1) of this  
32 section. In no event may such an employee request a transfer of more  
33 than six days of sick leave during any twelve month period, or request  
34 a transfer that would result in his or her sick leave account going  
35 below sixty days. (~~(Transfers of sick leave under this subsection are~~  
36 ~~limited to transfers from employees who do not accrue annual leave.))  
37 Under this subsection, "sick leave" also includes leave accrued  
38 pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for  
39 illness, injury, and emergencies.~~~~

1       (5) An employee who has accrued a personal holiday may request that  
2 the head of the agency for which the employee works transfer all or  
3 part of the personal holiday to another employee authorized to receive  
4 leave under subsection (1) of this section.

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

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

13       (~~(7)~~) (8) While an employee is on leave transferred under this  
14 section, he or she shall continue to be classified as a state employee  
15 and shall receive the same treatment in respect to salary, wages, and  
16 employee benefits as the employee would normally receive if using  
17 accrued annual leave or sick leave.

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

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

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

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

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

37       (~~(8)~~) (9) Leave transferred under this section shall not be used  
38 in any calculation to determine an agency's allocation of full time  
39 equivalent staff positions.

1        (~~(9)~~) (10) The value of any leave transferred under this section  
2 which remains unused shall be returned at its original value to the  
3 employee or employees who transferred the leave when the agency head  
4 finds that the leave is no longer needed or will not be needed at a  
5 future time in connection with the illness or injury for which the  
6 leave was transferred. To the extent administratively feasible, the  
7 value of unused leave which was transferred by more than one employee  
8 shall be returned on a pro rata basis.

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