
SECOND SUBSTITUTE SENATE BILL 5476

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (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 03/06/95.

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

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 other than an employee covered by subsection (4) of
2 this section who has an accrued sick leave balance of more than sixty
3 days may request that the head of the agency for which the employee
4 works transfer a specified amount of sick leave to another employee if
5 the employee is authorized to receive leave under subsection (1) of
6 this section and the employee, relative, or household member has a
7 terminal illness. In no event may the employee request a transfer of
8 more than six days of sick leave during any twelve month period, or
9 request a transfer that would result in his or her sick leave account
10 going below sixty days. Under this subsection, "sick leave" also
11 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)
12 with compensation for illness, injury, and emergencies.

13 (6) An employee who has accrued a personal holiday may request that
14 the head of the agency for which the employee works transfer all or
15 part of the personal holiday to another employee authorized to receive
16 leave under subsection (1) of this section.

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

20 ((+6)) (8) Leave transferred under this section may be transferred
21 from employees of one agency to an employee of the same agency or, with
22 the approval of the heads of both agencies, to an employee of another
23 state agency. However, leave transferred to or from employees of
24 school districts or educational service districts is limited to
25 transfers to or from employees within the same employing district.

26 ((+7)) (9) While an employee is on leave transferred under this
27 section, he or she shall continue to be classified as a state employee
28 and shall receive the same treatment in respect to salary, wages, and
29 employee benefits as the employee would normally receive if using
30 accrued annual leave or sick leave.

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

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

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

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

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

12 ~~((+8))~~ (10) Leave transferred under this section shall not be used
13 in any calculation to determine an agency's allocation of full time
14 equivalent staff positions.

15 ~~((+9))~~ (11) The value of any leave transferred under this section
16 which remains unused shall be returned at its original value to the
17 employee or employees who transferred the leave when the agency head
18 finds that the leave is no longer needed or will not be needed at a
19 future time in connection with the illness or injury for which the
20 leave was transferred. To the extent administratively feasible, the
21 value of unused leave which was transferred by more than one employee
22 shall be returned on a pro rata basis.

23 NEW SECTION. **Sec. 3.** Transfers occurring after the effective date
24 of this act may be applied to retroactively cover periods of leave
25 taken between January 1, 1995, and the effective date of this act.

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