

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2090**

Chapter 232, Laws of 1997

55th Legislature  
1997 Regular Session

COMMUNITY AND TECHNICAL COLLEGE EMPLOYEE ATTENDANCE INCENTIVE  
PROGRAMS

EFFECTIVE DATE: 7/27/97

Passed by the House March 15, 1997  
Yeas 96 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 14, 1997  
Yeas 36 Nays 0

IRV NEWHOUSE  
**President of the Senate**

Approved April 26, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2090** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 26, 1997 - 11:11 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2090**

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Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Schoesler, Dyer, D. Sommers, Carrell, Linville, Sterk, Parlette and Doumit)

Read first time 03/05/97.

1            AN ACT Relating to community and technical college employees;  
2 amending RCW 41.04.340; adding a new section to chapter 28B.50 RCW; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28B.50 RCW  
6 to read as follows:

7            (1) Unless the context clearly requires otherwise, the definitions  
8 in this subsection apply throughout this section.

9            (a) "Employer" means the board of trustees for each college  
10 district or the state board for community and technical colleges.

11            (b) "Eligible employee" means an employee of a college district or  
12 the state board for community and technical colleges who belongs to one  
13 of the following classifications:

14            (i) Academic employees as defined in RCW 28B.52.020;

15            (ii) Classified employees of technical colleges whose employment is  
16 governed under chapter 41.56 RCW;

17            (iii) Professional, paraprofessional, and administrative employees  
18 exempt from chapter 41.06 RCW; and

1 (iv) Employees of the state board for community and technical  
2 colleges who are exempt from chapter 41.06 RCW.

3 (2) An attendance incentive program is established for all eligible  
4 employees of a college district or the state board for community and  
5 technical colleges entitled to accumulate sick leave and for whom  
6 accurate sick leave records have been maintained. An eligible employee  
7 may not receive compensation under this section for a portion of sick  
8 leave accumulated at a rate in excess of one day per month.

9 (3) In January of the year following a year in which a minimum of  
10 sixty days of sick leave is accrued, and each following January, an  
11 eligible employee may exercise an option to receive remuneration for  
12 unused sick leave accumulated in the previous year at a rate equal to  
13 one day's monetary compensation of the employee for each four full days  
14 of accrued sick leave in excess of sixty days. Sick leave for which  
15 compensation has been received shall be deducted from accrued sick  
16 leave at the rate of four days for every one day's monetary  
17 compensation.

18 (4) At the time of separation from employment with a college  
19 district or the state board for community and technical colleges due to  
20 retirement or death, an eligible employee or the employee's estate may  
21 receive remuneration at a rate equal to one day's current monetary  
22 compensation of the employee for each four full days' accrued sick  
23 leave.

24 (5) In lieu of remuneration for unused sick leave at retirement as  
25 provided in subsection (4) of this section, an employer may, with  
26 equivalent funds, provide eligible employees with a benefit plan that  
27 provides reimbursement for medical expenses. For employees whose  
28 conditions of employment are governed by chapter 28B.52 or 41.56 RCW,  
29 such benefit plans shall be instituted only by agreement applicable to  
30 the members of a bargaining unit. A benefit plan adopted must require,  
31 as a condition of participation under the plan, that the employee sign  
32 an agreement with the employer. The agreement must include a provision  
33 to hold the employer harmless should the United States government find  
34 that the employer or the employee is in debt to the United States as a  
35 result of the employee not paying income taxes due on the equivalent  
36 funds placed into the plan, or as a result of the employer not  
37 withholding or deducting a tax, assessment, or other payment on the  
38 funds as required under federal law. The agreement must also include  
39 a provision that requires an eligible employee to forfeit remuneration

1 under subsection (4) of this section if the employee belongs to a unit  
2 that has been designated to participate in the benefit plan permitted  
3 under this subsection and the employee refuses to execute the required  
4 agreement.

5 (6) Remuneration or benefits received under this section are not  
6 included for the purposes of computing a retirement allowance under a  
7 public retirement system in this state.

8 (7) The state board for community and technical colleges shall  
9 adopt uniform rules to carry out the purposes of this section. The  
10 rules shall define categories of eligible employees. The categories of  
11 eligible employees are subject to approval by the office of financial  
12 management. The rules shall also require that each employer maintain  
13 complete and accurate sick leave records for all eligible employees.

14 (8) Should the legislature revoke a remuneration or benefit granted  
15 under this section, an affected employee is not then entitled to  
16 receive the benefits as a matter of contractual right.

17 **Sec. 2.** RCW 41.04.340 and 1993 c 281 s 17 are each amended to read  
18 as follows:

19 (1) An attendance incentive program is established for all eligible  
20 employees. As used in this section the term "eligible employee" means  
21 any employee of the state, other than eligible employees of the  
22 community and technical colleges and the state board for community and  
23 technical colleges identified in section 1 of this act, and teaching  
24 and research faculty at the state and regional universities and The  
25 Evergreen State College, entitled to accumulate sick leave and for whom  
26 accurate sick leave records have been maintained. No employee may  
27 receive compensation under this section for any portion of sick leave  
28 accumulated at a rate in excess of one day per month. The state and  
29 regional universities and The Evergreen State College shall maintain  
30 complete and accurate sick leave records for all teaching and research  
31 faculty.

32 (2) In January of the year following any year in which a minimum of  
33 sixty days of sick leave is accrued, and each January thereafter, any  
34 eligible employee may receive remuneration for unused sick leave  
35 accumulated in the previous year at a rate equal to one day's monetary  
36 compensation of the employee for each four full days of accrued sick  
37 leave in excess of sixty days. Sick leave for which compensation has

1 been received shall be deducted from accrued sick leave at the rate of  
2 four days for every one day's monetary compensation.

3 (3) At the time of separation from state service due to retirement  
4 or death, an eligible employee or the employee's estate may elect to  
5 receive remuneration at a rate equal to one day's current monetary  
6 compensation of the employee for each four full days of accrued sick  
7 leave.

8 (4) Pursuant to this subsection, in lieu of cash remuneration the  
9 state may, with equivalent funds, provide eligible employees with a  
10 benefit plan providing for reimbursement of medical expenses. The  
11 committee for deferred compensation shall develop any benefit plan  
12 established under this subsection, but may offer and administer the  
13 plan only if (a) each eligible employee has the option of whether to  
14 receive cash remuneration or to have his or her employer transfer  
15 equivalent funds to the plan; and (b) the committee has received an  
16 opinion from the United States internal revenue service stating that  
17 participating employees, prior to the time of receiving reimbursement  
18 for expenses, will incur no United States income tax liability on the  
19 amount of the equivalent funds transferred to the plan.

20 (5) Remuneration or benefits received under this section shall not  
21 be included for the purpose of computing a retirement allowance under  
22 any public retirement system in this state.

23 (6) With the exception of subsection (4) of this section, this  
24 section shall be administered, and rules shall be adopted to carry out  
25 its purposes, by the Washington personnel resources board for persons  
26 subject to chapter 41.06 RCW: PROVIDED, That determination of classes  
27 of eligible employees shall be subject to approval by the office of  
28 financial management.

29 (7) Should the legislature revoke any remuneration or benefits  
30 granted under this section, no affected employee shall be entitled  
31 thereafter to receive such benefits as a matter of contractual right.

32 NEW SECTION. **Sec. 3.** If any part of section 1(5) of this act is  
33 found to be in conflict with federal tax laws or rulings or regulations  
34 of the federal internal revenue service, the conflicting part of  
35 section 1(5) of this act is inoperative solely to the extent of the  
36 conflict and such finding shall not affect the remainder of this act.

Passed the House March 15, 1997.  
Passed the Senate April 14, 1997.  
Approved by the Governor April 26, 1997.  
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