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**SUBSTITUTE SENATE BILL 5296**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate State Government (originally sponsored by Senators Braun, Ranker, and Keiser; by request of Office of Financial Management)

READ FIRST TIME 02/09/17.

1           AN ACT Relating to removing the requirement that an employee must  
2 work at least six months before taking vacation leave; amending RCW  
3 43.01.040, 43.01.041, and 43.01.044; providing an effective date; and  
4 declaring an emergency.

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

6           **Sec. 1.** RCW 43.01.040 and 2011 1st sp.s. c 43 s 449 are each  
7 amended to read as follows:

8           Each subordinate officer and employee of the several offices,  
9 departments, and institutions of the state government shall be  
10 entitled under their contract of employment with the state government  
11 to not less than (~~one working day~~) eight hours of vacation leave  
12 with full pay for each month of employment (~~if said employment is~~  
13 ~~continuous for six months~~)).

14           Each such subordinate officer and employee shall be entitled  
15 under such contract of employment to not less than (~~one~~) eight  
16 additional (~~working day~~) hours of vacation with full pay each year  
17 for satisfactorily completing the first two, three, and five  
18 continuous years of employment respectively.

19           Such part-time officers or employees of the state government who  
20 are employed on a regular schedule of duration of not less than one  
21 year shall be entitled under their contract of employment to that

1 fractional part of the vacation leave that the total number of hours  
2 of such employment bears to the total number of hours of full-time  
3 employment.

4 Each subordinate officer and employee of the several offices,  
5 departments, and institutions of the state government shall be  
6 entitled under his or her contract of employment with the state  
7 government to accrue unused vacation leave not to exceed (~~thirty~~  
8 ~~working days~~) two hundred forty hours. Officers and employees  
9 transferring within the several offices, departments, and  
10 institutions of the state government shall be entitled to transfer  
11 such accrued vacation leave to each succeeding state office,  
12 department, or institution. All vacation leave shall be taken at the  
13 time convenient to the employing office, department, or institution:  
14 PROVIDED, That if a subordinate officer's or employee's request for  
15 vacation leave is deferred by reason of the convenience of the  
16 employing office, department, or institution, and a statement of the  
17 necessity therefor is retained by the agency, then the aforesaid  
18 maximum (~~thirty working days~~) two hundred forty hours of accrued  
19 unused vacation leave shall be extended for each month said leave is  
20 so deferred.

21 **Sec. 2.** RCW 43.01.041 and 2011 1st sp.s. c 39 s 13 are each  
22 amended to read as follows:

23 Officers and employees referred to in RCW 43.01.040 whose  
24 employment is terminated by their death, reduction in force,  
25 resignation, dismissal, or retirement, who have been employed for at  
26 least six continuous months, and who have accrued vacation leave as  
27 specified in RCW 43.01.040 or 43.01.044, shall be paid therefor under  
28 their contract of employment, or their estate if they are deceased,  
29 or if the employee in case of voluntary resignation has provided  
30 adequate notice of termination. (~~Annual~~) Vacation leave accumulated  
31 under RCW 43.01.044 is not to be included in the computation of  
32 retirement benefits. From July 1, 2011, through June 29, 2013, the  
33 amount of pay received by an employee under the provisions of this  
34 section shall not be reduced by any temporary salary reduction.

35 Should the legislature revoke any benefits or rights provided  
36 under chapter 292, Laws of 1985, no affected officer or employee  
37 shall be entitled thereafter to receive such benefits or exercise  
38 such rights as a matter of contractual right.

1       **Sec. 3.** RCW 43.01.044 and 1983 c 283 s 1 are each amended to  
2 read as follows:

3       As an alternative, in addition to the provisions of RCW 43.01.040  
4 authorizing the accumulation of vacation leave in excess of (~~thirty~~  
5 ~~days~~) two hundred forty hours with the filing of a statement of  
6 necessity, vacation leave in excess of (~~thirty days~~) two hundred  
7 forty hours may also be accumulated as provided in this section but  
8 without the filing of a statement of necessity. The accumulation of  
9 leave under this alternative method shall be governed by the  
10 following provisions:

11       (1) Each subordinate officer and employee of the several offices,  
12 departments, and institutions of state government may accumulate the  
13 vacation leave (~~days~~) hours between the time (~~thirty days~~) two  
14 hundred forty hours is accrued and his or her anniversary date of  
15 state employment.

16       (2) All vacation (~~days~~) hours accumulated under this section  
17 shall be used by the anniversary date and at a time convenient to the  
18 employing office, department, or institution. If an officer or  
19 employee does not use the excess leave by the anniversary date, then  
20 such leave shall be automatically extinguished and considered to have  
21 never existed.

22       (3) This section shall not result in any increase in a retirement  
23 allowance under any public retirement system in this state.

24       (4) Should the legislature revoke any benefits or rights provided  
25 under this section, no affected officer or employee shall be entitled  
26 thereafter to receive such benefits or exercise such rights as a  
27 matter of contractual right.

28       (5) Vacation leave credit acquired and accumulated under this  
29 section shall never, regardless of circumstances, be deferred by the  
30 employing office, department, or institution by filing a statement of  
31 necessity under the provisions of RCW 43.01.040.

32       (6) Notwithstanding any other provision of this chapter, on or  
33 after July 24, 1983, a statement of necessity for excess leave(~~(7)~~)  
34 shall, as a minimum, include the following: (a) The specific number  
35 of (~~days~~) hours of excess leave; and (b) the date on which it was  
36 authorized. A copy of any such authorization shall be sent to the  
37 department of retirement systems.

38       NEW SECTION.   **Sec. 4.** This act is necessary for the immediate  
39 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect July 1, 2017.

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