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**HOUSE BILL 1409**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Appleton, Dolan, and Ortiz-Self

Read first time 01/22/19. Referred to Committee on Appropriations.

1 AN ACT Relating to modifying the maximum amount of leave school  
2 employees may accumulate; and amending RCW 28A.400.300.

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

4 **Sec. 1.** RCW 28A.400.300 and 2012 c 186 s 20 are each amended to  
5 read as follows:

6 (1) Every board of directors, unless otherwise specially provided  
7 by law, shall:

8 (a) Except as provided in subsection (3) of this section, employ  
9 for not more than one year, and for sufficient cause discharge all  
10 certificated and classified employees;

11 (b) Adopt written policies granting leaves to persons under  
12 contracts of employment with the school district(s) in positions  
13 requiring either certification or classified qualifications,  
14 including but not limited to leaves for attendance at official or  
15 private institutes and conferences and sabbatical leaves for  
16 employees in positions requiring certification qualification, and  
17 leaves for illness, injury, bereavement and, emergencies for both  
18 certificated and classified employees, and with such compensation as  
19 the board of directors prescribe: PROVIDED, That the board of  
20 directors shall adopt written policies granting to such persons

1 annual leave with compensation for illness, injury and emergencies as  
2 follows:

3 (i) For such persons under contract with the school district for  
4 a full year, at least ten days;

5 (ii) For such persons under contract with the school district as  
6 part time employees, at least that portion of ten days as the total  
7 number of days contracted for bears to (~~(one)~~) two hundred (~~(eighty)~~)  
8 sixty days;

9 (iii) For certificated and classified employees, annual leave  
10 with compensation for illness, injury, and emergencies shall be  
11 granted and accrue at a rate not to exceed twelve days per year;  
12 provisions of any contract in force on June 12, 1980, which conflict  
13 with requirements of this subsection shall continue in effect until  
14 contract expiration; after expiration, any new contract executed  
15 between the parties shall be consistent with this subsection;

16 (iv) Compensation for leave for illness or injury actually taken  
17 shall be the same as the compensation such person would have received  
18 had such person not taken the leave provided in this proviso;

19 (v) Leave provided in this proviso not taken shall accumulate  
20 from year to year up to a maximum of (~~(one)~~) two hundred (~~(eighty)~~)  
21 sixty days for the purposes of RCW 28A.400.210 and 28A.400.220, and  
22 for leave purposes up to a maximum of the number of contract days  
23 agreed to in a given contract, but not greater than one year. Such  
24 accumulated time may be taken at any time during the school year or  
25 up to twelve days per year may be used for the purpose of payments  
26 for unused sick leave;

27 (vi) Sick leave heretofore accumulated under section 1, chapter  
28 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated  
29 under administrative practice of school districts prior to the  
30 effective date of section 1, chapter 195, Laws of 1959 (former RCW  
31 28.58.430) is hereby declared valid, and shall be added to leave for  
32 illness or injury accumulated under this proviso;

33 (vii) Any leave for injury or illness accumulated up to a maximum  
34 of forty-five days shall be creditable as service rendered for the  
35 purpose of determining the time at which an employee is eligible to  
36 retire, if such leave is taken it may not be compensated under the  
37 provisions of RCW 28A.400.210 and 28A.310.490;

38 (viii) Accumulated leave under this proviso shall be transferred  
39 to and from one district to another, the office of superintendent of  
40 public instruction, offices of educational service district

1 superintendents and boards, the state school for the blind, the  
2 Washington state center for childhood deafness and hearing loss,  
3 institutions of higher education, and community and technical  
4 colleges, to and from such districts, schools, offices, institutions  
5 of higher education, and community and technical colleges;

6 (ix) Leave accumulated by a person in a district prior to leaving  
7 said district may, under rules of the board, be granted to such  
8 person when the person returns to the employment of the district.

9 (2) When any certificated or classified employee leaves one  
10 school district within the state and commences employment with  
11 another school district within the state, the employee shall retain  
12 the same seniority, leave benefits and other benefits that the  
13 employee had in his or her previous position: PROVIDED, That  
14 classified employees who transfer between districts after July 28,  
15 1985, shall not retain any seniority rights other than longevity when  
16 leaving one school district and beginning employment with another. If  
17 the school district to which the person transfers has a different  
18 system for computing seniority, leave benefits, and other benefits,  
19 then the employee shall be granted the same seniority, leave benefits  
20 and other benefits as a person in that district who has similar  
21 occupational status and total years of service.

22 (3) Notwithstanding subsection (1)(a) of this section, discharges  
23 of certificated and classified employees in school districts that are  
24 dissolved due to financial insolvency shall be conducted in  
25 accordance with RCW 28A.315.229.

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