

---

**SUBSTITUTE HOUSE BILL 1044**

---

**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives Fraser, Anderson, Basich, R. Meyers, Kremen, Pruitt and Winsley).

Read first time February 15, 1991.

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

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

3 **Sec. 1.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read  
4 as follows:

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

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

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

12 (ii) Terminate state employment;

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

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

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

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

7 (2) The agency head shall determine the amount of leave, if any,  
8 which an employee may receive under this section. However, an employee  
9 shall not receive a total of more than two hundred sixty-one days of  
10 leave.

11 (3) An employee who has ~~((an))~~ accrued an annual leave balance of  
12 more than ten days or sick leave balance of more than sixty days may  
13 request that the head of the agency for which the employee works  
14 transfer a specified amount of ~~((annual))~~ leave to another employee  
15 authorized to receive leave under subsection (1) of this section. In  
16 no event may the employee request a transfer of an amount of leave that  
17 would result in his or her annual leave account going below ten days.  
18 In no event may an employee request a transfer of more than six days of  
19 sick leave during any twelve month period, or request a transfer that  
20 would result in his or her sick leave account going below sixty days.

21 (4) An employee of a community college, school district, or  
22 educational service district who ~~((does not accrue annual leave but))~~  
23 does accrue sick leave and who has an accrued sick leave balance of  
24 more than sixty days may request that the head of the agency for which  
25 the employee works transfer a specified amount of sick leave to another  
26 employee authorized to receive leave under subsection (1) of this  
27 section. In no event may such an employee request a transfer of more  
28 than six days of sick leave during any twelve month period, or request  
29 a transfer that would result in his or her sick leave account going  
30 below sixty days. ~~((Transfers of sick leave under this subsection are~~

1 ~~limited to transfers from employees who do not accrue annual leave.))~~  
2 Under this subsection, "sick leave" also includes leave accrued  
3 pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for  
4 illness, injury, and emergencies.

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

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

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

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

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

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

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

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