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SECOND SUBSTITUTE SENATE BILL 5476

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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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