
HOUSE BILL 2685

State of Washington

66th Legislature

2020 Regular Session

By Representatives Frame, Dolan, J. Johnson, Leavitt, Mead, Ortiz-Self, Valdez, Bergquist, Pollet, and Kloba

Read first time 01/17/20. Referred to Committee on Education.

1 AN ACT Relating to sick leave for K-12 employees; amending RCW
2 28A.400.300; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Sick leave is an earned benefit. The state
5 has created an attendance incentive program that allows employees
6 with significant sick leave balances to buy out their excess sick
7 leave at a reduced rate with one day of pay for each four days that
8 are cashed out. State employees can also choose to carry higher sick
9 leave balances that could be donated for shared leave or cashed out
10 upon separation. K-12 employees have similar attendance incentive
11 programs, but are limited by a maximum number of sick leave hours
12 that can be carried from year to year. By limiting sick leave
13 balances, K-12 educators are incentivized to buy out any excess sick
14 leave each year. As a result, there are more limited amounts of sick
15 leave and shared leave that are available if an educator faces
16 significant personal health issues or needs leave to care for family
17 members. Removing the artificial cap on sick leave accrual will allow
18 K-12 employees to use the benefits they have earned if they find
19 themselves in need or share with colleagues who may need additional
20 time.

1 **Sec. 2.** RCW 28A.400.300 and 2019 c 266 s 19 are each amended to
2 read as follows:

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

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

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

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

21 (ii) For such persons under contract with the school district as
22 part time employees, at least that portion of ten days as the total
23 number of days contracted for bears to one hundred eighty days;

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

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

34 (v) Leave provided in this proviso not taken shall accumulate
35 from year to year (~~up to a maximum of one hundred eighty days for~~
36 ~~the purposes of RCW 28A.400.210 and 28A.400.220, and for leave~~
37 ~~purposes up to a maximum of the number of contract days agreed to in~~
38 ~~a given contract, but not greater than one year)). Such accumulated~~
39 time may be taken at any time during the school year or (~~up to~~

1 ~~twelve days per year~~)) may be used for the purpose of payments for
2 unused sick leave in accordance with RCW 28A.400.210;

3 (vi) Sick leave heretofore accumulated under section 1, chapter
4 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated
5 under administrative practice of school districts prior to the
6 effective date of section 1, chapter 195, Laws of 1959 (former RCW
7 28.58.430) is hereby declared valid, and shall be added to leave for
8 illness or injury accumulated under this proviso;

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

14 (viii) Accumulated leave under this proviso shall be transferred
15 to and from one district to another, the office of superintendent of
16 public instruction, offices of educational service district
17 superintendents and boards, the state school for the blind, the
18 Washington center for deaf and hard of hearing youth, institutions of
19 higher education, and community and technical colleges, to and from
20 such districts, schools, offices, institutions of higher education,
21 and community and technical colleges;

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

25 (2) When any certificated or classified employee leaves one
26 school district within the state and commences employment with
27 another school district within the state, the employee shall retain
28 the same seniority, leave benefits, and other benefits that the
29 employee had in his or her previous position. However, classified
30 employees who transfer between districts after July 28, 1985, shall
31 not retain any seniority rights other than longevity when leaving one
32 school district and beginning employment with another. If the school
33 district to which the person transfers has a different system for
34 computing seniority, leave benefits, and other benefits, then the
35 employee shall be granted the same seniority, leave benefits, and
36 other benefits as a person in that district who has similar
37 occupational status and total years of service.

38 (3) Notwithstanding subsection (1)(a) of this section, discharges
39 of certificated and classified employees in school districts that are

1 dissolved due to financial insolvency shall be conducted in
2 accordance with RCW 28A.315.229.

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