

SHB 2283 - H AMD 900

By Representative Volz

WITHDRAWN 02/09/2024

1 On page 3, after line 26, insert the following:

2 "Sec. 2. RCW 41.04.665 and 2020 c 6 s 2 are each amended to read
3 as follows:

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

6 (a)(i) The employee suffers from, or has a relative or household
7 member suffering from, an illness, injury, impairment, or physical or
8 mental condition which is of an extraordinary or severe nature;

9 (ii) The employee has been called to service in the uniformed
10 services;

11 (iii) The employee is a current member of the uniformed services
12 or is a veteran as defined under RCW 41.04.005, and is attending
13 medical appointments or treatments for a service connected injury or
14 disability;

15 (iv) The employee is a spouse of a current member of the
16 uniformed services or a veteran as defined under RCW 41.04.005, who
17 is attending medical appointments or treatments for a service
18 connected injury or disability and requires assistance while
19 attending appointment or treatment;

20 (v) A state of emergency has been declared anywhere within the
21 United States by the federal or any state government and the employee
22 has needed skills to assist in responding to the emergency or its
23 aftermath and volunteers his or her services to either a governmental
24 agency or to a nonprofit organization engaged in humanitarian relief
25 in the devastated area, and the governmental agency or nonprofit
26 organization accepts the employee's offer of volunteer services;

27 (vi) The employee is a victim of domestic violence, sexual
28 assault, or stalking;

29 (vii) The employee needs the time for parental leave; (~~or~~)

30 (viii) The employee is sick or temporarily disabled because of
31 pregnancy disability; or

1 (ix) The employee lives in an area affected by an emergency or
2 disaster as defined in RCW 38.52.010;

3 (b) The illness, injury, impairment, condition, call to service,
4 emergency or disaster, emergency volunteer service, or consequence of
5 domestic violence, sexual assault, temporary layoff under section
6 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused,
7 or is likely to cause, the employee to:

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

9 (ii) Terminate state employment;

10 (c) The employee's absence and the use of shared leave are
11 justified;

12 (d) The employee has depleted or will shortly deplete his or her:

13 (i) Annual leave and sick leave reserves if he or she qualifies
14 under (a) (i) of this subsection;

15 (ii) Annual leave and paid military leave allowed under RCW
16 38.40.060 if he or she qualifies under (a) (ii) of this subsection;

17 (iii) Annual leave if he or she qualifies under (a) (v) (~~(v)~~),
18 (vi), or (ix) of this subsection; or

19 (iv) Annual leave and sick leave reserves if the employee
20 qualifies under (a) (vii) or (viii) of this subsection;

21 (e) The employee has abided by agency rules regarding:

22 (i) Sick leave use if he or she qualifies under (a) (i), (vi),
23 (vii), or (viii) of this subsection; or

24 (ii) Military leave if he or she qualifies under (a) (ii) of this
25 subsection; and

26 (f) (i) Until the expiration of proclamation 20-05, issued
27 February 29, 2020, by the governor and declaring a state of emergency
28 in the state of Washington, or any amendment thereto, whichever is
29 later, an agency head may permit an employee to receive shared leave
30 under this section if the employee, or a relative or household
31 member, is isolated or quarantined as recommended, requested, or
32 ordered by a public health official or health care provider as a
33 result of suspected or confirmed infection with or exposure to the
34 2019 novel coronavirus (COVID-19). An agency head may permit use of
35 shared leave under this subsection (1)(f) without considering the
36 requirements of (a) through (e) of this subsection.

37 (ii) The office of the governor must provide notice of the
38 expiration of proclamation 20-05, or any amendment thereto, whichever
39 is later, to the chief clerk of the house of representatives, the

1 secretary of the senate, the office of the code reviser, and others
2 as deemed appropriate by the office of the governor.

3 (2) (a) The agency head shall determine the amount of leave, if
4 any, which an employee may receive under this section. However, the
5 agency head may not prevent an employee from using shared leave
6 intermittently or on nonconsecutive days so long as the leave has not
7 been returned under subsection (10) of this section. In addition, an
8 employee shall not receive a total of more than five hundred twenty-
9 two days of leave, except that, a supervisor may authorize leave in
10 excess of five hundred twenty-two days in extraordinary circumstances
11 for an employee qualifying for the shared leave program because he or
12 she is suffering from an illness, injury, impairment, or physical or
13 mental condition which is of an extraordinary or severe nature.
14 Shared leave received under the uniformed service shared leave pool
15 in RCW 41.04.685 is not included in this total.

16 (b) An employee receiving industrial insurance wage replacement
17 benefits may not receive greater than twenty-five percent of his or
18 her base salary from the receipt of shared leave under this section.

19 (3) The agency head must allow employees who are veterans, as
20 defined under RCW 41.04.005, and their spouses, to access shared
21 leave from the veterans' in-state service shared leave pool upon
22 employment.

23 (4) An employee may transfer annual leave, sick leave, and his or
24 her personal holiday, as follows:

25 (a) An employee who has an accrued annual leave balance of more
26 than ten days may request that the head of the agency for which the
27 employee works transfer a specified amount of annual leave to another
28 employee authorized to receive leave under subsection (1) of this
29 section. In no event may the employee request a transfer of an amount
30 of leave that would result in his or her annual leave account going
31 below ten days. For purposes of this subsection (4) (a), annual leave
32 does not accrue if the employee receives compensation in lieu of
33 accumulating a balance of annual leave.

34 (b) An employee may transfer a specified amount of sick leave to
35 an employee requesting shared leave only when the donating employee
36 retains a minimum of one hundred seventy-six hours of sick leave
37 after the transfer.

38 (c) An employee may transfer, under the provisions of this
39 section relating to the transfer of leave, all or part of his or her
40 personal holiday, as that term is defined under RCW 1.16.050, or as

1 such holidays are provided to employees by agreement with a school
2 district's board of directors if the leave transferred under this
3 subsection does not exceed the amount of time provided for personal
4 holidays under RCW 1.16.050.

5 (5) An employee of an institution of higher education under RCW
6 28B.10.016, school district, or educational service district who does
7 not accrue annual leave but does accrue sick leave and who has an
8 accrued sick leave balance of more than twenty-two days may request
9 that the head of the agency for which the employee works transfer a
10 specified amount of sick leave to another employee authorized to
11 receive leave under subsection (1) of this section. In no event may
12 such an employee request a transfer that would result in his or her
13 sick leave account going below twenty-two days. Transfers of sick
14 leave under this subsection are limited to transfers from employees
15 who do not accrue annual leave. Under this subsection, "sick leave"
16 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or
17 28A.310.240(1) with compensation for illness, injury, and
18 emergencies.

19 (6) Transfers of leave made by an agency head under subsections
20 (4) and (5) of this section shall not exceed the requested amount.

21 (7) Leave transferred under this section may be transferred from
22 employees of one agency to an employee of the same agency or, with
23 the approval of the heads of both agencies, to an employee of another
24 state agency.

25 (8) While an employee is on leave transferred under this section,
26 he or she shall continue to be classified as a state employee and
27 shall receive the same treatment in respect to salary, wages, and
28 employee benefits as the employee would normally receive if using
29 accrued annual leave or sick leave.

30 (a) All salary and wage payments made to employees while on leave
31 transferred under this section shall be made by the agency employing
32 the person receiving the leave. The value of leave transferred shall
33 be based upon the leave value of the person receiving the leave.

34 (b) In the case of leave transferred by an employee of one agency
35 to an employee of another agency, the agencies involved shall arrange
36 for the transfer of funds and credit for the appropriate value of
37 leave.

38 (i) Pursuant to rules adopted by the office of financial
39 management, funds shall not be transferred under this section if the

1 transfer would violate any constitutional or statutory restrictions
2 on the funds being transferred.

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

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

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

14 (10)(a) The value of any leave transferred under this section
15 which remains unused shall be returned at its original value to the
16 employee or employees who transferred the leave when the agency head
17 finds that the leave is no longer needed or will not be needed at a
18 future time in connection with the illness or injury for which the
19 leave was transferred or for any other qualifying condition. Unused
20 shared leave may not be returned until one of the following occurs:

21 (i) The agency head receives from the affected employee a
22 statement from the employee's doctor verifying that the illness or
23 injury is resolved; or

24 (ii) The employee is released to full-time employment; has not
25 received additional medical treatment for his or her current
26 condition or any other qualifying condition for at least six months;
27 and the employee's doctor has declined, in writing, the employee's
28 request for a statement indicating the employee's condition has been
29 resolved.

30 (b) If a shared leave account is closed and an employee later has
31 a need to use shared leave due to the same condition listed in the
32 closed account, the agency head must approve a new shared leave
33 request for the employee.

34 (c) To the extent administratively feasible, the value of unused
35 leave which was transferred by more than one employee shall be
36 returned on a pro rata basis.

37 (11) An employee who uses leave that is transferred to him or her
38 under this section may not be required to repay the value of the
39 leave that he or she used.

1 (12) The director of financial management may adopt rules as
2 necessary to implement subsection (2) of this section.

3 (13) For the purposes of this section, "shortly deplete" means
4 that the employee will have forty hours or less of the applicable
5 leave types under subsection (1)(d) of this section. However, the
6 employee is not required to deplete all of the employee's leave and
7 can maintain up to forty hours of the applicable leave types in
8 reserve."

9 Correct the title.

EFFECT: Permits state employees to receive shared leave under the state shared leave program when they live in an area affected by an emergency or disaster, defined to include situations that require immediate action to preserve public health, protect life, or protect public property, or warrant a governor-declared state of emergency.

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