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**SUBSTITUTE HOUSE BILL 1358**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Dorn, Holland, Neher, Peery, Sprenkle, Brumsickle, Rasmussen, Inslee, R. Meyers, Winsley, Edmondson, Mielke, Miller, Betrozoff, G. Fisher, Basich, Pruitt, Orr, H. Myers, Roland, Rayburn and Anderson).

Read first time March 11, 1991.

1            AN ACT Relating to school and educational service districts'  
2 employee attendance incentive programs; and amending RCW 28A.310.490  
3 and 28A.400.210.

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

5            **Sec. 1.** RCW 28A.310.490 and 1989 c 69 s 1 are each amended to read  
6 as follows:

7            Every educational service district board of directors shall  
8 establish an attendance incentive program for all certificated and  
9 noncertificated employees in the following manner.

10            (1) In January of the year following any year in which a minimum of  
11 sixty days of leave for illness or injury is accrued, and each January  
12 thereafter, any eligible employee may exercise an option to receive  
13 remuneration for unused leave for illness or injury accumulated in the  
14 previous year at a rate equal to one day's monetary compensation of the  
15 employee for each four full days of accrued leave for illness or injury

1 in excess of sixty days. Leave for illness or injury for which  
2 compensation has been received shall be deducted from accrued leave for  
3 illness or injury at the rate of four days for every one day's monetary  
4 compensation. No employee may receive compensation under this section  
5 for any portion of leave for illness or injury accumulated at a rate in  
6 excess of one day per month.

7 (2) At the time of separation from educational service district  
8 employment due to retirement or death an eligible employee or the  
9 employee's estate shall receive remuneration at a rate equal to one  
10 day's current monetary compensation of the employee for each four full  
11 days accrued leave for illness or injury ((or, in lieu of monetary  
12 compensation and with equivalent funds, a school district board of  
13 directors may provide eligible employees postretirement medical  
14 benefits)).

15 (3) In lieu of remuneration for unused leave for illness or injury  
16 as provided for in subsections (1) and (2) of this section, an  
17 educational service district board of directors may, with equivalent  
18 funds, provide eligible employees a benefit plan that provides  
19 reimbursement for medical expenses. Any benefit plan adopted after the  
20 effective date of this act shall require, as a condition of  
21 participation under the plan, that the employee sign an agreement with  
22 the district to hold the district harmless should the United States  
23 government find that the district or the employee is in debt to the  
24 United States as a result of the employee not paying income taxes due  
25 on the equivalent funds placed into the plan, or as a result of the  
26 district not withholding or deducting any tax, assessment, or other  
27 payment on such funds as required under federal law.

28 Moneys or ((~~postretirement medical~~)) benefits received under this  
29 section shall not be included for the purposes of computing a  
30 retirement allowance under any public retirement system in this state.

1       The superintendent of public instruction in its administration  
2 hereof, shall promulgate uniform rules and regulations to carry out the  
3 purposes of this section.

4       Should the legislature revoke any benefits granted under this  
5 section, no affected employee shall be entitled thereafter to receive  
6 such benefits as a matter of contractual right.

7       **Sec. 2.** RCW 28A.400.210 and 1989 c 69 s 2 are each amended to read  
8 as follows:

9       Every school district board of directors may, in accordance with  
10 chapters 41.56 and 41.59 RCW, establish an attendance incentive program  
11 for all certificated and noncertificated employees in the following  
12 manner, including covering persons who were employed during the 1982-  
13 '83 school year: (1) In January of the year following any year in  
14 which a minimum of sixty days of leave for illness or injury is  
15 accrued, and each January thereafter, any eligible employee may  
16 exercise an option to receive remuneration for unused leave for illness  
17 or injury accumulated in the previous year at a rate equal to one day's  
18 monetary compensation of the employee for each four full days of  
19 accrued leave for illness or injury in excess of sixty days. Leave for  
20 illness or injury for which compensation has been received shall be  
21 deducted from accrued leave for illness or injury at the rate of four  
22 days for every one day's monetary compensation. No employee may  
23 receive compensation under this section for any portion of leave for  
24 illness or injury accumulated at a rate in excess of one day per month.

25       (2) At the time of separation from school district employment due  
26 to retirement or death an eligible employee or the employee's estate  
27 shall receive remuneration at a rate equal to one day's current  
28 monetary compensation of the employee for each four full days accrued  
29 leave for illness or injury.

1           (3) In lieu of remuneration for unused leave for illness or injury  
2 as provided in subsections (1) and (2) of this section, a school  
3 district board of directors may, with equivalent funds, provide  
4 eligible employees (~~((postretirement medical benefits))~~) a benefit plan  
5 that provides reimbursement for medical expenses. Any benefit plan  
6 adopted after the effective date of this act shall require, as a  
7 condition of participation under the plan, that the employee sign an  
8 agreement with the district to hold the district harmless should the  
9 United States government find that the district or the employee is in  
10 debt to the United States as a result of the employee not paying income  
11 taxes due on the equivalent funds placed into the plan, or as a result  
12 of the district not withholding or deducting any tax, assessment, or  
13 other payment on such funds as required under federal law.

14           Moneys or (~~((postretirement medical))~~) benefits received under this  
15 section shall not be included for the purposes of computing a  
16 retirement allowance under any public retirement system in this state.

17           The superintendent of public instruction in its administration  
18 hereof, shall promulgate uniform rules and regulations to carry out the  
19 purposes of this section.

20           Should the legislature revoke any benefits granted under this  
21 section, no affected employee shall be entitled thereafter to receive  
22 such benefits as a matter of contractual right.