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HOUSE BILL 2199

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Anderson, Bowman, Pruitt, Sheldon, Chandler, Grant, Moyer, O'Brien and R. Fisher.

Read first time April 8, 1991.      Referred to Committee on State Government.

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 annual leave balance of more  
12 than ten days may request that the head of the agency for which the  
13 employee works transfer a specified amount of annual leave to another  
14 employee authorized to receive leave under subsection (1) of this  
15 section. In no event may the employee request a transfer of an amount  
16 of leave that would result in his or her annual leave account going  
17 below ten days.

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

1 pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for  
2 illness, injury, and emergencies.

3 (5) Transfers of leave made by an agency head under subsections (3)  
4 and (4) of this section shall not exceed the requested amount.

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

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

16 (a) All salary and wage payments made to employees while on leave  
17 transferred under this section shall be made by the agency employing  
18 the person receiving the leave. The value of leave transferred shall  
19 be based upon the annual leave value of the person receiving the leave.

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

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

28 (ii) The office of financial management may adjust the  
29 appropriation authority of an agency receiving funds under this section

1 only if and to the extent that the agency's existing appropriation  
2 authority would prevent it from expending the funds received.

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

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

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