
SUBSTITUTE HOUSE BILL 1201

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on State Government (originally sponsored by Representatives Romero, Wolfe, Veloria, Karahalios, R. Meyers, Cothorn, L. Johnson, Basich, Orr, Kessler and Pruitt)

Read first time 02/17/93.

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;

15 (c) The employee has depleted or will shortly deplete his or her
16 annual leave and sick leave reserves;

17 (d) The employee has abided by agency rules regarding sick leave
18 use; and

1 (e) The employee has diligently pursued and been found to be
2 ineligible for benefits under chapter 51.32 RCW.

3 (2) The agency head shall determine the amount of leave, if any,
4 which an employee may receive under this section. However, an employee
5 shall not receive a total of more than two hundred sixty-one days of
6 leave.

7 (3) An employee who has an accrued annual leave balance of more
8 than ten days may request that the head of the agency for which the
9 employee works transfer a specified amount of annual leave to another
10 employee authorized to receive leave under subsection (1) of this
11 section. In no event may the employee request a transfer of an amount
12 of leave that would result in his or her annual leave account going
13 below ten days. For the purposes of this section, annual leave does
14 not accrue if the employee receives compensation in lieu of
15 accumulating annual leave.

16 (4) An employee (~~((of a community college, school district, or~~
17 ~~educational service district who does not accrue annual leave but does~~
18 ~~accrue sick leave and))~~ who has an accrued sick leave balance of more
19 than (~~(sixty days)~~) one hundred hours may request that the head of the
20 agency for which the employee works transfer a specified amount of sick
21 leave to another employee authorized to receive leave under subsection
22 (1) of this section. In no event may such an employee request a
23 transfer (~~((of more than six days of sick leave during any twelve month~~
24 ~~period, or request a transfer))~~) that would result in his or her sick
25 leave account going below (~~(sixty days. Transfers of sick leave under~~
26 ~~this subsection are limited to transfers from employees who do not~~
27 ~~accrue annual leave)) one hundred hours. Under this subsection, "sick
28 leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or
29 28A.310.240(1) with compensation for illness, injury, and emergencies.~~

30 (5) An employee may donate the personal holiday, as described under
31 RCW 1.16.050, as shared leave.

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

34 (~~((6))~~) (7) Leave transferred under this section may be transferred
35 from employees of one agency to an employee of the same agency or, with
36 the approval of the heads of both agencies, to an employee of another
37 state agency. However, leave transferred to or from employees of
38 school districts or educational service districts is limited to
39 transfers to or from employees within the same employing district.

1 (~~(7)~~) (8) While an employee is on leave transferred under this
2 section, he or she shall continue to be classified as a state employee
3 and shall receive the same treatment in respect to salary, wages, and
4 employee benefits as the employee would normally receive if using
5 accrued annual leave or sick leave.

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

10 (b) In the case of leave transferred by an employee of one agency
11 to an employee of another agency, the agencies involved shall arrange
12 for the transfer of funds and credit for the appropriate value of
13 leave.

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

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

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

25 (~~(8)~~) (9) Leave transferred under this section shall not be used
26 in any calculation to determine an agency's allocation of full time
27 equivalent staff positions.

28 (~~(9)~~) (10) The value of any leave transferred under this section
29 which remains unused shall be returned at its original value to the
30 employee or employees who transferred the leave when the agency head
31 finds that the leave is no longer needed or will not be needed at a
32 future time in connection with the illness or injury for which the
33 leave was transferred. To the extent administratively feasible, the
34 value of unused leave which was transferred by more than one employee
35 shall be returned on a pro rata basis.

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