
SUBSTITUTE SENATE BILL 5297

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Fraser, Winsley and von Reichbauer)

Read first time 02/22/93.

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.

14 (a) An employee may donate a specified amount of sick leave to an
15 employee requesting shared leave only when the donating employee
16 retains a minimum of two hundred forty hours of sick leave after the
17 donation. No more than six days of accumulated sick leave may be
18 donated by any employee during any twelve-month period.

19 (b) An employee may donate the value of his or her personal
20 holiday, as that term is defined under RCW 1.16.050, as shared leave.

21 (4) An employee of ((a)) an institution of higher education under
22 RCW 28B.10.016, community college, school district, or educational
23 service district who does not accrue annual leave but does accrue sick
24 leave and who has an accrued sick leave balance of more than ((sixty))
25 thirty days may request that the head of the agency for which the
26 employee works transfer a specified amount of sick leave to another
27 employee authorized to receive leave under subsection (1) of this
28 section. In no event may such an employee request a transfer of more
29 than six days of sick leave during any twelve month period, or request
30 a transfer that would result in his or her sick leave account going
31 below ((sixty)) thirty days. Transfers of sick leave under this
32 subsection are limited to transfers from employees who do not accrue
33 annual leave. Under this subsection, "sick leave" also includes leave
34 accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with
35 compensation for illness, injury, and emergencies.

36 (5) Transfers of annual or sick leave or personal holiday time made
37 by an agency head under subsections (3) and (4) of this section shall
38 not exceed the requested amount.

1 (6) Leave transferred under this section may be transferred from
2 employees of one agency to an employee of the same agency or, with the
3 approval of the heads of both agencies, to an employee of another state
4 agency. However, leave transferred to or from employees of
5 institutions of higher education under RCW 28B.10.016, school
6 districts, or educational service districts is limited to transfers to
7 or from employees within the same employing institution or district.

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

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

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

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

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

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

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

35 (9) The value of any leave transferred under this section which
36 remains unused shall be returned at its original value to the employee
37 or employees who transferred the leave when the agency head finds that
38 the leave is no longer needed or will not be needed at a future time in
39 connection with the illness or injury for which the leave was

1 transferred. To the extent administratively feasible, the value of
2 unused leave which was transferred by more than one employee shall be
3 returned on a pro rata basis.

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