
SENATE BILL 5297

State of Washington

53rd Legislature

1993 Regular Session

By Senators Fraser, Winsley and von Reichbauer

Read first time 01/21/93. Referred to Committee on Government Operations.

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 sick leave hours to an employee
15 requesting shared leave only when the donating employee retains a
16 minimum of one hundred hours of sick leave after the donation.

17 (b) An employee may donate their personal holiday, as that term is
18 defined under WAC 356-18-025, as shared leave.

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

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

35 (6) Leave transferred under this section may be transferred from
36 employees of one agency to an employee of the same agency or, with the
37 approval of the heads of both agencies, to an employee of another state
38 agency. However, leave transferred to or from employees of school

1 districts or educational service districts is limited to transfers to
2 or from employees within the same employing district.

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

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

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

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

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

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

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

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

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