

2 **2SSB 5476** - H COMM AMD

3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 41.04.660 and 1990 c 23 s 1 are each amended to read  
8 as follows:

9 The Washington state leave sharing program is hereby created. The  
10 purpose of the program is to permit state employees, at no  
11 significantly increased cost to the state of providing annual ((~~or~~))  
12 leave, sick leave, or personal holidays, to come to the aid of a fellow  
13 state employee who is suffering from or has a relative or household  
14 member suffering from an extraordinary or severe illness, injury,  
15 impairment, or physical or mental condition which has caused or is  
16 likely to cause the employee to take leave without pay or terminate his  
17 or her employment.

18 **Sec. 2.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read  
19 as follows:

20 (1) An agency head may permit an employee to receive leave under  
21 this section if:

22 (a) The employee suffers from, or has a relative or household  
23 member suffering from, an illness, injury, impairment, or physical or  
24 mental condition which is of an extraordinary or severe nature and  
25 which has caused, or is likely to cause, the employee to:

26 (i) Go on leave without pay status; or

27 (ii) Terminate state employment;

28 (b) The employee's absence and the use of shared leave are  
29 justified;

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

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

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

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

5 (3) An employee who has an accrued annual leave balance of more  
6 than ten days may request that the head of the agency for which the  
7 employee works transfer a specified amount of annual leave to another  
8 employee authorized to receive leave under subsection (1) of this  
9 section. In no event may the employee request a transfer of an amount  
10 of leave that would result in his or her annual leave account going  
11 below ten days.

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

26 (5) An employee other than an employee covered by subsection (4) of  
27 this section who has an accrued sick leave balance of more than sixty  
28 days may request that the head of the agency for which the employee  
29 works transfer a specified amount of sick leave to another employee if  
30 the employee is authorized to receive leave under subsection (1) of  
31 this section and the employee, relative, or household member has a  
32 catastrophic illness. In no event may the employee request a transfer  
33 of more than six days of sick leave during any twelve month period, or  
34 request a transfer that would result in his or her sick leave account  
35 going below sixty days. Under this subsection, "sick leave" also  
36 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)  
37 with compensation for illness, injury, and emergencies.

38 (6) An employee who has accrued a personal holiday may request that  
39 the head of the agency for which the employee works transfer all or

1 part of the personal holiday to another employee authorized to receive  
2 leave under subsection (1) of this section.

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

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

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

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

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

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

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

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

37 ~~((+8+))~~ (10) Leave transferred under this section shall not be used  
38 in any calculation to determine an agency's allocation of full time  
39 equivalent staff positions.

1        (~~(9)~~) (11) The value of any leave transferred under this section  
2 which remains unused shall be returned at its original value to the  
3 employee or employees who transferred the leave when the agency head  
4 finds that the leave is no longer needed or will not be needed at a  
5 future time in connection with the illness or injury for which the  
6 leave was transferred. To the extent administratively feasible, the  
7 value of unused leave which was transferred by more than one employee  
8 shall be returned on a pro rata basis.

9        (12) An employee who uses leave that is transferred to him or her  
10 under this section may not be required to repay the value of the leave  
11 that he or she used.

12        NEW SECTION. Sec. 3. Transfers occurring after the effective date  
13 of this act may be applied to retroactively cover periods of leave  
14 taken between January 1, 1995, and the effective date of this act."

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18        On page 1, line 1 of the title, after "leave;" strike the remainder  
19 of the title and insert "amending RCW 41.04.660 and 41.04.665; and  
20 creating a new section."

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