

CERTIFICATION OF ENROLLMENT
THIRD SUBSTITUTE HOUSE BILL 1381

Chapter 176, Laws of 1996

54th Legislature
1996 Regular Session

SHARED LEAVE AND PERSONAL HOLIDAYS--TRANSFER

EFFECTIVE DATE: 6/6/96

Passed by the House February 13, 1996
Yeas 91 Nays 5

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 43 Nays 5

JOEL PRITCHARD
President of the Senate

Approved March 28, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **THIRD SUBSTITUTE HOUSE BILL 1381** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 28, 1996 - 3:42 p.m.

**Secretary of State
State of Washington**

THIRD SUBSTITUTE HOUSE BILL 1381

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Dyer, Brumsickle, Patterson, Campbell, Brown, Hankins, Chopp, Schoesler, Romero, Chandler, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, H. Sommers, Kessler, Mielke, Honeyford, Kremen, Wolfe, Boldt and Conway)

Read first time 02/02/96.

1 AN ACT Relating to shared leave; amending RCW 41.04.665 and
2 41.04.660; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read
5 as follows:

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

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

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

13 (ii) Terminate state employment;

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

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

18 (d) The employee has abided by agency rules regarding sick leave
19 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 may transfer annual leave, sick leave, and his or
8 her personal holiday, as follows:

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

18 (b) An employee may transfer a specified amount of sick leave to an
19 employee requesting shared leave only when the donating employee
20 retains a minimum of four hundred eighty hours of sick leave after the
21 transfer. In no event may such an employee request a transfer of more
22 than six days of sick leave during any twelve-month period.

23 (c) An employee may transfer all or part of his or her personal
24 holiday, as that term is defined under RCW 1.16.050, under the
25 provisions of this section relating to the transfer of leave.

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

1 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury,
2 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
20 leave.

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

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

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

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

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

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

9 (10) 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 **Sec. 2.** RCW 41.04.660 and 1990 c 23 s 1 are each amended to read
13 as follows:

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

23 NEW SECTION. **Sec. 3.** The legislative budget committee shall
24 prepare a study of leave transfer and submit the report to the
25 legislature on or before December 1, 1997.

Passed the House February 13, 1996.

Passed the Senate February 29, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.