
HOUSE BILL 1262

State of Washington 58th Legislature 2003 Regular Session

By Representatives Sump, Cox, Mielke and Benson

Read first time 01/22/2003. Referred to Committee on Education.

1 AN ACT Relating to paying compensation to school district employees
2 for unused sick leave; and amending RCW 28A.400.210.

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

4 **Sec. 1.** RCW 28A.400.210 and 2000 c 231 s 1 are each amended to
5 read as follows:

6 Every school district board of directors may, in accordance with
7 chapters 41.56 and 41.59 RCW, establish an attendance incentive program
8 for all certificated and classified employees in the following manner,
9 including covering persons who were employed during the 1982-'83 school
10 year:

11 (1) In January of the year following any year in which a minimum of
12 sixty days of leave for illness or injury is accrued, and each January
13 thereafter, any eligible employee may exercise an option to receive
14 remuneration for unused leave for illness or injury accumulated in the
15 previous year at a rate equal to one day's monetary compensation of the
16 employee for each four full days of accrued leave for illness or injury
17 in excess of sixty days. Leave for illness or injury for which
18 compensation has been received shall be deducted from accrued leave for
19 illness or injury at the rate of four days for every one day's monetary

1 compensation. No employee may receive compensation under this section
2 for any portion of leave for illness or injury accumulated at a rate in
3 excess of one day per month.

4 (2) Except as provided in RCW 28A.400.212, (~~at the time of~~
5 ~~separation from school district employment an eligible employee or the~~
6 ~~employee's estate shall receive remuneration at a rate equal to one~~
7 ~~day's current monetary compensation of the employee for each four full~~
8 ~~days accrued leave for illness or injury. For purposes of this~~
9 ~~subsection, "eligible employee" means (a) employees who separate from~~
10 ~~employment due to retirement or death; (b) employees who separate from~~
11 ~~employment and who are at least age fifty five and have at least ten~~
12 ~~years of service under the teachers' retirement system plan 3 as~~
13 ~~defined in RCW 41.32.010(40), or under the Washington school employees'~~
14 ~~retirement system plan 3 as defined in RCW 41.35.010(31); or (c)~~
15 ~~employees who separate from employment and who are at least age fifty~~
16 ~~five and have at least fifteen years of service under the teachers'~~
17 ~~retirement system plan 2 as defined in RCW 41.32.010(39), under the~~
18 ~~Washington school employees' retirement system plan 2 as defined in RCW~~
19 ~~41.35.010(30), or under the public employees' retirement system plan 2~~
20 ~~as defined in RCW 41.40.010(34).)) if for any reason an employee
21 separates from school district employment, the employee may receive (a)
22 remuneration at a rate equal to one day's current monetary compensation
23 of the employee for each four full days accrued leave for illness or
24 injury that was earned while employed by that school district, or (b)
25 the amount in the then current negotiated agreement, whichever is less.
26 Upon reemployment the employee may buy the unused sick days from the
27 new district at the same rate as the remuneration received at
28 separation, subject to the then current negotiated agreement, or begin
29 anew to accrue sick leave.~~

30 (3) In lieu of remuneration for unused leave for illness or injury
31 as provided in subsections (1) and (2) of this section, a school
32 district board of directors may, with equivalent funds, provide
33 eligible employees a benefit plan that provides reimbursement for
34 medical expenses. Any benefit plan adopted after July 28, 1991, shall
35 require, as a condition of participation under the plan, that the
36 employee sign an agreement with the district to hold the district
37 harmless should the United States government find that the district or
38 the employee is in debt to the United States as a result of the

1 employee not paying income taxes due on the equivalent funds placed
2 into the plan, or as a result of the district not withholding or
3 deducting any tax, assessment, or other payment on such funds as
4 required under federal law.

5 Moneys or benefits received under this section shall not be
6 included for the purposes of computing a retirement allowance under any
7 public retirement system in this state.

8 The superintendent of public instruction in its administration
9 hereof, shall promulgate uniform rules and regulations to carry out the
10 purposes of this section.

11 Should the legislature revoke any benefits granted under this
12 section, no affected employee shall be entitled thereafter to receive
13 such benefits as a matter of contractual right.

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