

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2266**

58th Legislature  
2003 1st Special Session

Passed by the House June 4, 2003  
Yeas 92 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate June 5, 2003  
Yeas 44 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2266** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2266

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AS AMENDED BY THE SENATE

Passed Legislature - 2003 1st Special Session

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Hunt and Romero

Read first time 04/17/2003. Referred to Committee on Appropriations.

1            AN ACT Relating to leave sharing; amending RCW 41.04.655,  
2 41.04.660, and 41.04.665; and declaring an emergency.

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

4            **Sec. 1.** RCW 41.04.655 and 1990 c 33 s 569 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 41.04.650 through 41.04.670,  
8 28A.400.380, and section 7, chapter 93, Laws of 1989.

9            (1) "Employee" means any employee of the state, including employees  
10 of school districts and educational service districts, who are entitled  
11 to accrue sick leave or annual leave and for whom accurate leave  
12 records are maintained.

13            (2) "Program" means the leave sharing program established in RCW  
14 41.04.660.

15            (3) "Service in the uniformed services" means the performance of  
16 duty on a voluntary or involuntary basis in a uniformed service under  
17 competent authority and includes active duty, active duty for training,  
18 initial active duty for training, inactive duty training, full-time  
19 national guard duty including state-ordered active duty, and a period

1 for which a person is absent from a position of employment for the  
2 purpose of an examination to determine the fitness of the person to  
3 perform any such duty.

4 (4) "State agency" or "agency" means departments, offices,  
5 agencies, or institutions of state government, the legislature,  
6 institutions of higher education, school districts, and educational  
7 service districts.

8 ~~((3) "Program" means the leave sharing program established in RCW~~  
9 ~~41.04.660.))~~ (5) "Uniformed services" means the armed forces, the army  
10 national guard, and the air national guard of any state, territory,  
11 commonwealth, possession, or district when engaged in active duty for  
12 training, inactive duty training, full-time national guard duty, or  
13 state active duty, the commissioned corps of the public health service,  
14 the coast guard, and any other category of persons designated by the  
15 president of the United States in time of war or national emergency.

16 **Sec. 2.** RCW 41.04.660 and 1996 c 176 s 2 are each amended to read  
17 as follows:

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

27 **Sec. 3.** RCW 41.04.665 and 1999 c 25 s 1 are each amended to read  
28 as follows:

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

31 (a)(i) The employee suffers from, or has a relative or household  
32 member suffering from, an illness, injury, impairment, or physical or  
33 mental condition which is of an extraordinary or severe nature (~~and~~  
34 ~~which has~~); or

35 (ii) The employee has been called to service in the uniformed  
36 services;

1        (b) The illness, injury, impairment, condition, or call to service  
2 has caused, or is likely to cause, the employee to:  
3        (i) Go on leave without pay status; or  
4        (ii) Terminate state employment;  
5        ~~((b))~~ (c) The employee's absence and the use of shared leave are  
6 justified;  
7        ~~((c))~~ (d) The employee has depleted or will shortly deplete his  
8 or her:  
9        (i) Annual leave and sick leave reserves if he or she qualifies  
10 under (a)(i) of this subsection; or  
11        (ii) Annual leave and paid military leave allowed under RCW  
12 38.40.060 if he or she qualifies under (a)(ii) of this subsection;  
13        ~~((d))~~ (e) The employee has abided by agency rules regarding:  
14        (i) Sick leave use if he or she qualifies under (a)(i) of this  
15 subsection; or  
16        (ii) Military leave if he or she qualifies under (a)(ii) of this  
17 subsection; and  
18        ~~((e))~~ (f) The employee has diligently pursued and been found to  
19 be ineligible for benefits under chapter 51.32 RCW if he or she  
20 qualifies under (a)(i) of this subsection.  
21        (2) The agency head shall determine the amount of leave, if any,  
22 which an employee may receive under this section. However, an employee  
23 shall not receive a total of more than two hundred sixty-one days of  
24 leave.  
25        (3) An employee may transfer annual leave, sick leave, and his or  
26 her personal holiday, as follows:  
27        (a) An employee who has an accrued annual leave balance of more  
28 than ten days may request that the head of the agency for which the  
29 employee works transfer a specified amount of annual leave to another  
30 employee authorized to receive leave under subsection (1) of this  
31 section. In no event may the employee request a transfer of an amount  
32 of leave that would result in his or her annual leave account going  
33 below ten days. For purposes of this subsection (3)(a), annual leave  
34 does not accrue if the employee receives compensation in lieu of  
35 accumulating a balance of annual leave.  
36        (b) An employee may transfer a specified amount of sick leave to an  
37 employee requesting shared leave only when the donating employee  
38 retains a minimum of ~~((four hundred eighty))~~ one hundred seventy-six

1 hours of sick leave after the transfer. (~~In no event may such an~~  
2 ~~employee request a transfer of more than six days of sick leave during~~  
3 ~~any twelve month period.~~)

4 (c) An employee may transfer, under the provisions of this section  
5 relating to the transfer of leave, all or part of his or her personal  
6 holiday, as that term is defined under RCW 1.16.050, or as such  
7 holidays are provided to employees by agreement with a school  
8 district's board of directors if the leave transferred under this  
9 subsection does not exceed the amount of time provided for personal  
10 holidays under RCW 1.16.050.

11 (4) An employee of an institution of higher education under RCW  
12 28B.10.016, school district, or educational service district who does  
13 not accrue annual leave but does accrue sick leave and who has an  
14 accrued sick leave balance of more than (~~sixty~~) twenty-two days may  
15 request that the head of the agency for which the employee works  
16 transfer a specified amount of sick leave to another employee  
17 authorized to receive leave under subsection (1) of this section. In  
18 no event may such an employee (~~request a transfer of more than six~~  
19 ~~days of sick leave during any twelve month period, or~~) request a  
20 transfer that would result in his or her sick leave account going below  
21 (~~sixty~~) twenty-two days. Transfers of sick leave under this  
22 subsection are limited to transfers from employees who do not accrue  
23 annual leave. Under this subsection, "sick leave" also includes leave  
24 accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with  
25 compensation for illness, injury, and emergencies.

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

28 (6) Leave transferred under this section may be transferred from  
29 employees of one agency to an employee of the same agency or, with the  
30 approval of the heads of both agencies, to an employee of another state  
31 agency. However, leave transferred to or from employees of school  
32 districts or educational service districts is limited to transfers to  
33 or from employees within the same employing district.

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

1 (a) All salary and wage payments made to employees while on leave  
2 transferred under this section shall be made by the agency employing  
3 the person receiving the leave. The value of leave transferred shall  
4 be based upon the leave value of the person receiving the leave.

5 (b) In the case of leave transferred by an employee of one agency  
6 to an employee of another agency, the agencies involved shall arrange  
7 for the transfer of funds and credit for the appropriate value of  
8 leave.

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

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

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

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

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

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

34 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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