

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2266

Chapter 12, Laws of 2003

58th Legislature
2003 1st Special Session

WASHINGTON STATE LEAVE SHARING PROGRAM

EFFECTIVE DATE: 6/20/03

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

FRANK CHOPP

Speaker of the House of Representatives

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

BRAD OWEN

President of the Senate

Approved June 20, 2003.

GARY LOCKE

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.

CYNTHIA ZEHNDER

Chief Clerk

FILED

June 20, 2003 - 2:19 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2266

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.

Passed by the House June 4, 2003.

Passed by the Senate June 5, 2003.

Approved by the Governor June 20, 2003.

Filed in Office of Secretary of State June 20, 2003.