

---

HOUSE BILL 2891

---

State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Hunt, Williams and Simpson

Read first time 01/16/2006. Referred to Committee on Education.

1            AN ACT Relating to transferring accrued leave of public school  
2 employees to state employment; and amending RCW 28A.400.300 and  
3 43.01.040.

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

5            **Sec. 1.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to  
6 read as follows:

7            Every board of directors, unless otherwise specially provided by  
8 law, shall:

9            (1) Employ for not more than one year, and for sufficient cause  
10 discharge all certificated and classified employees;

11            (2) Adopt written policies granting leaves to persons under  
12 contracts of employment with the school district(s) in positions  
13 requiring either certification or classified qualifications, including  
14 but not limited to leaves for attendance at official or private  
15 institutes and conferences and sabbatical leaves for employees in  
16 positions requiring certification qualification, and leaves for  
17 illness, injury, bereavement and, emergencies for both certificated and  
18 classified employees, and with such compensation as the board of

1 directors prescribe: PROVIDED, That the board of directors shall adopt  
2 written policies granting to such persons annual leave with  
3 compensation for illness, injury and emergencies as follows:

4 (a) For such persons under contract with the school district for a  
5 full year, at least ten days;

6 (b) For such persons under contract with the school district as  
7 part time employees, at least that portion of ten days as the total  
8 number of days contracted for bears to one hundred eighty days;

9 (c) For certificated and classified employees, annual leave with  
10 compensation for illness, injury, and emergencies shall be granted and  
11 accrue at a rate not to exceed twelve days per year; provisions of any  
12 contract in force on June 12, 1980, which conflict with requirements of  
13 this subsection shall continue in effect until contract expiration;  
14 after expiration, any new contract executed between the parties shall  
15 be consistent with this subsection;

16 (d) Compensation for leave for illness or injury actually taken  
17 shall be the same as the compensation such person would have received  
18 had such person not taken the leave provided in this proviso;

19 (e) Leave provided in this proviso not taken shall accumulate from  
20 year to year up to a maximum of one hundred eighty days for the  
21 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up  
22 to a maximum of the number of contract days agreed to in a given  
23 contract, but not greater than one year. Such accumulated time may be  
24 taken at any time during the school year or up to twelve days per year  
25 may be used for the purpose of payments for unused sick leave((-));

26 (f) Sick leave heretofore accumulated under section 1, chapter 195,  
27 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under  
28 administrative practice of school districts prior to the effective date  
29 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is  
30 hereby declared valid, and shall be added to leave for illness or  
31 injury accumulated under this proviso;

32 (g) Any leave for injury or illness accumulated up to a maximum of  
33 forty-five days shall be creditable as service rendered for the purpose  
34 of determining the time at which an employee is eligible to retire, if  
35 such leave is taken it may not be compensated under the provisions of  
36 RCW 28A.400.210 and 28A.310.490;

37 (h) Accumulated leave under this proviso shall be transferred to  
38 and from one district to another, the office of superintendent of

1 public instruction and offices of educational service district  
2 superintendents and boards, to and from such districts and such  
3 offices;

4 (i) Accumulated cashable leave under this section may be  
5 transferred to state employment as annual leave should the employee  
6 leave public school or school district employment for employment with  
7 the state;

8 (j) Leave accumulated by a person in a district prior to leaving  
9 said district may, under rules (~~and regulations~~) of the board, be  
10 granted to such person when the person returns to the employment of the  
11 district.

12 When any certificated or classified employee leaves one school  
13 district within the state and commences employment with another school  
14 district within the state, the employee shall retain the same  
15 seniority, leave benefits and other benefits that the employee had in  
16 his or her previous position: PROVIDED, That classified employees who  
17 transfer between districts after July 28, 1985, shall not retain any  
18 seniority rights other than longevity when leaving one school district  
19 and beginning employment with another. If the school district to which  
20 the person transfers has a different system for computing seniority,  
21 leave benefits, and other benefits, then the employee shall be granted  
22 the same seniority, leave benefits and other benefits as a person in  
23 that district who has similar occupational status and total years of  
24 service.

25 **Sec. 2.** RCW 43.01.040 and 1984 c 184 s 19 are each amended to read  
26 as follows:

27 Each subordinate officer and employee of the several offices,  
28 departments, and institutions of the state government shall be entitled  
29 under (~~their~~) his or her contract of employment with the state  
30 government to not less than one working day of vacation leave with full  
31 pay for each month of employment if said employment is continuous for  
32 six months.

33 Each such subordinate officer and employee shall be entitled under  
34 such contract of employment to not less than one additional working day  
35 of vacation with full pay each year for satisfactorily completing the  
36 first two, three and five continuous years of employment respectively.

1       Such part time officers or employees of the state government who  
2 are employed on a regular schedule of duration of not less than one  
3 year shall be entitled under their contract of employment to that  
4 fractional part of the vacation leave that the total number of hours of  
5 such employment bears to the total number of hours of full time  
6 employment.

7       Each subordinate officer and employee of the several offices,  
8 departments, and institutions of the state government shall be entitled  
9 under his or her contract of employment with the state government to  
10 accrue unused vacation leave not to exceed thirty working days.  
11 Officers and employees transferring within the several offices,  
12 departments, and institutions of the state government shall be entitled  
13 to transfer such accrued vacation leave to each succeeding state  
14 office, department, or institution. Employees of public schools and  
15 school districts within the state who move to state agency employment  
16 shall be allowed to transfer accrued vacation leave earned while  
17 employed by the public school. All vacation leave shall be taken at  
18 the time convenient to the employing office, department, or  
19 institution: PROVIDED, That if a subordinate officer's or employee's  
20 request for vacation leave is deferred by reason of the convenience of  
21 the employing office, department, or institution, and a statement of  
22 the necessity therefor is filed by such employing office, department,  
23 or institution with the appropriate personnel board or other state  
24 agency or officer, then the aforesaid maximum thirty working days of  
25 accrued unused vacation leave shall be extended for each month said  
26 leave is so deferred.

--- END ---