

CERTIFICATION OF ENROLLMENT

SENATE BILL 6588

Chapter 174, Laws of 2008

60th Legislature
2008 Regular Session

EDUCATION EMPLOYEES--TRANSFER OF ACCUMULATED LEAVE

EFFECTIVE DATE: 06/12/08

Passed by the Senate February 13, 2008
YEAS 46 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House March 6, 2008
YEAS 93 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 26, 2008, 10:18 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6588** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 26, 2008

**Secretary of State
State of Washington**

SENATE BILL 6588

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senators Kauffman, Prentice, Kastama, Hobbs, Sheldon, Delvin, Shin, McAuliffe, and Rasmussen

Read first time 01/18/08. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to transfers of accumulated leave of common school
2 and higher education employees; and amending RCW 28A.310.240 and
3 28A.400.300.

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

5 **Sec. 1.** RCW 28A.310.240 and 1997 c 13 s 6 are each amended to read
6 as follows:

7 (1) Every educational service district board shall adopt written
8 policies granting leaves to persons under contracts of employment with
9 the district in positions requiring either certification or classified
10 qualifications, including but not limited to leaves for attendance at
11 official or private institutes and conferences and sabbatical leaves
12 for employees in positions requiring certification qualification, and
13 leaves for illness, injury, bereavement, and emergencies for both
14 certificated and classified employees, with such compensation as the
15 board prescribes. The board shall adopt written policies granting
16 annual leave with compensation for illness, injury, and emergencies as
17 follows:

18 (a) For persons under contract with the district for a full fiscal
19 year, at least ten days;

1 (b) For persons under contract with the district as part-time
2 employees, at least that portion of ten days as the total number of
3 days contracted for bears to one hundred eighty days;

4 (c) For certificated and classified employees, annual leave with
5 compensation for illness, injury, and emergencies shall be granted and
6 accrue at a rate not to exceed twelve days per fiscal year. Provisions
7 of any contract in force on July 23, 1989, which conflict with
8 requirements of this subsection shall continue in effect until contract
9 expiration; after expiration, any new contract executed between the
10 parties shall be consistent with this subsection;

11 (d) Compensation for leave for illness or injury actually taken
12 shall be the same as the compensation the person would have received
13 had the person not taken the leave provided in this section;

14 (e) Leave provided in this section not taken shall accumulate from
15 fiscal year to fiscal year up to a maximum of one hundred eighty days
16 for the purposes of RCW 28A.310.490, and for leave purposes up to a
17 maximum of the number of contract days agreed to in a given contract,
18 but not greater than one fiscal year. Such accumulated time may be
19 taken at any time during the fiscal year, or up to twelve days per year
20 may be used for the purpose of payments for unused sick leave; and

21 (f) Accumulated leave under this section shall be transferred to
22 educational service districts, school districts, (~~and~~) the office of
23 the superintendent of public instruction, institutions of higher
24 education, and community and technical colleges, and from any such
25 district or office to another such district (~~or~~), office, institution
26 of higher education, or community or technical college. An intervening
27 customary summer break in employment or the performance of employment
28 duties shall not preclude such a transfer.

29 (2) Leave accumulated by a person in a district prior to leaving
30 the district may, under rules of the board, be granted to the person
31 when the person returns to the employment of the district.

32 (3) Leave for illness or injury accumulated before July 23, 1989,
33 under the administrative practices of an educational service district,
34 and such leave transferred before July 23, 1989, to or from an
35 educational service district, school district, or the office of the
36 superintendent of public instruction under the administrative practices
37 of the district or office, is declared valid and shall be added to such
38 leave for illness or injury accumulated after July 23, 1989.

1 **Sec. 2.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
2 read as follows:

3 Every board of directors, unless otherwise specially provided by
4 law, shall:

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

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

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

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

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

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

33 (e) Leave provided in this proviso not taken shall accumulate from
34 year to year up to a maximum of one hundred eighty days for the
35 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up
36 to a maximum of the number of contract days agreed to in a given
37 contract, but not greater than one year. Such accumulated time may be

1 taken at any time during the school year or up to twelve days per year
2 may be used for the purpose of payments for unused sick leave((~~-~~));

3 (f) Sick leave heretofore accumulated under section 1, chapter 195,
4 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under
5 administrative practice of school districts prior to the effective date
6 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is
7 hereby declared valid, and shall be added to leave for illness or
8 injury accumulated under this proviso;

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

14 (h) Accumulated leave under this proviso shall be transferred to
15 and from one district to another, the office of superintendent of
16 public instruction ((~~and~~)), offices of educational service district
17 superintendents and boards, institutions of higher education, and
18 community and technical colleges, to and from such districts ((~~and~~
19 ~~such~~)), offices, institutions of higher education, and community and
20 technical colleges;

21 (i) Leave accumulated by a person in a district prior to leaving
22 said district may, under rules and regulations of the board, be granted
23 to such person when the person returns to the employment of the
24 district.

25 When any certificated or classified employee leaves one school
26 district within the state and commences employment with another school
27 district within the state, the employee shall retain the same
28 seniority, leave benefits and other benefits that the employee had in
29 his or her previous position: PROVIDED, That classified employees who
30 transfer between districts after July 28, 1985, shall not retain any
31 seniority rights other than longevity when leaving one school district
32 and beginning employment with another. If the school district to which
33 the person transfers has a different system for computing seniority,
34 leave benefits, and other benefits, then the employee shall be granted
35 the same seniority, leave benefits and other benefits as a person in
36 that district who has similar occupational status and total years of

1 service.

Passed by the Senate February 13, 2008.

Passed by the House March 6, 2008.

Approved by the Governor March 26, 2008.

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