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HOUSE BILL 1878

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State of Washington

61st Legislature

2009 Regular Session

**By** Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darneille, Moeller, and Kenney; by request of Washington State School for the Blind

Read first time 02/02/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to transfers of accumulated leave of employees of  
2 the state school for the blind and the school for the deaf; and  
3 amending RCW 28A.310.240 and 28A.400.300.

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

5 **Sec. 1.** RCW 28A.310.240 and 2008 c 174 s 1 are each amended to  
6 read 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, the office of the  
23 superintendent of public instruction, the state school for the blind,  
24 the school for the deaf, institutions of higher education, and  
25 community and technical colleges, and from any such district, school,  
26 or office to another such district, school, office, institution of  
27 higher education, or community or technical college. An intervening  
28 customary summer break in employment or the performance of employment  
29 duties shall not preclude such a transfer.

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

33 (3) Leave for illness or injury accumulated before July 23, 1989,  
34 under the administrative practices of an educational service district,  
35 and such leave transferred before July 23, 1989, to or from an  
36 educational service district, school district, or the office of the  
37 superintendent of public instruction under the administrative practices

1 of the district or office, is declared valid and shall be added to such  
2 leave for illness or injury accumulated after July 23, 1989.

3 **Sec. 2.** RCW 28A.400.300 and 2008 c 174 s 2 are each amended to  
4 read as follows:

5 Every board of directors, unless otherwise specially provided by  
6 law, shall:

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

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

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

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

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

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

35 (e) Leave provided in this proviso not taken shall accumulate from  
36 year to year up to a maximum of one hundred eighty days for the  
37 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up

1 to a maximum of the number of contract days agreed to in a given  
2 contract, but not greater than one year. Such accumulated time may be  
3 taken at any time during the school year or up to twelve days per year  
4 may be used for the purpose of payments for unused sick leave;

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

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

16 (h) Accumulated leave under this proviso shall be transferred to  
17 and from one district to another, the office of superintendent of  
18 public instruction, offices of educational service district  
19 superintendents and boards, the state school for the blind, the school  
20 for the deaf, institutions of higher education, and community and  
21 technical colleges, to and from such districts, schools, offices,  
22 institutions of higher education, and community and technical colleges;

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

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

1 that district who has similar occupational status and total years of  
2 service.

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