

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1521

Chapter 167, Laws of 2017

65th Legislature
2017 Regular Session

STATE EMPLOYEE VACATION LEAVE--USE IN FIRST SIX MONTHS

EFFECTIVE DATE: 7/1/2017

Passed by the House March 1, 2017
Yeas 65 Nays 33

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2017
Yeas 44 Nays 5

CYRUS HABIB

President of the Senate

Approved May 4, 2017 1:17 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1521** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 4, 2017

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1521

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House State Government, Elections & Information Technology
(originally sponsored by Representatives Dolan, Doglio, Ormsby,
Appleton, Bergquist, and Pollet; by request of Office of Financial
Management)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to removing the requirement that an employee must
2 work at least six months before taking vacation leave; amending RCW
3 43.01.040, 43.01.044, and 43.01.041; providing an effective date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 43.01.040 and 2011 1st sp.s. c 43 s 449 are each
7 amended to read as follows:

8 Each subordinate officer and employee of the several offices,
9 departments, and institutions of the state government shall be
10 entitled under their contract of employment with the state government
11 to not less than (~~one working day~~) eight hours of vacation leave
12 with full pay for each month of employment (~~if said employment is~~
13 ~~continuous for six months~~)).

14 Each such subordinate officer and employee shall be entitled
15 under such contract of employment to not less than (~~one~~) eight
16 additional (~~working day~~) hours of vacation with full pay each year
17 for satisfactorily completing the first two, three, and five
18 continuous years of employment respectively.

19 Such part-time officers or employees of the state government who
20 are employed on a regular schedule of duration of not less than one
21 year shall be entitled under their contract of employment to that

1 fractional part of the vacation leave that the total number of hours
2 of such employment bears to the total number of hours of full-time
3 employment.

4 Each subordinate officer and employee of the several offices,
5 departments, and institutions of the state government shall be
6 entitled under his or her contract of employment with the state
7 government to accrue unused vacation leave not to exceed (~~thirty~~
8 ~~working days~~) two hundred forty hours. Officers and employees
9 transferring within the several offices, departments, and
10 institutions of the state government shall be entitled to transfer
11 such accrued vacation leave to each succeeding state office,
12 department, or institution. All vacation leave shall be taken at the
13 time convenient to the employing office, department, or institution:
14 PROVIDED, That if a subordinate officer's or employee's request for
15 vacation leave is deferred by reason of the convenience of the
16 employing office, department, or institution, and a statement of the
17 necessity therefor is retained by the agency, then the aforesaid
18 maximum (~~thirty working days~~) two hundred forty hours of accrued
19 unused vacation leave shall be extended for each month said leave is
20 so deferred.

21 **Sec. 2.** RCW 43.01.044 and 1983 c 283 s 1 are each amended to
22 read as follows:

23 As an alternative, in addition to the provisions of RCW 43.01.040
24 authorizing the accumulation of vacation leave in excess of (~~thirty~~
25 ~~days~~) two hundred forty hours with the filing of a statement of
26 necessity, vacation leave in excess of (~~thirty days~~) two hundred
27 forty hours may also be accumulated as provided in this section but
28 without the filing of a statement of necessity. The accumulation of
29 leave under this alternative method shall be governed by the
30 following provisions:

31 (1) Each subordinate officer and employee of the several offices,
32 departments, and institutions of state government may accumulate the
33 vacation leave (~~days~~) hours between the time (~~thirty days~~) two
34 hundred forty hours is accrued and his or her anniversary date of
35 state employment.

36 (2) All vacation (~~days~~) hours accumulated under this section
37 shall be used by the anniversary date and at a time convenient to the
38 employing office, department, or institution. If an officer or
39 employee does not use the excess leave by the anniversary date, then

1 such leave shall be automatically extinguished and considered to have
2 never existed.

3 (3) This section shall not result in any increase in a retirement
4 allowance under any public retirement system in this state.

5 (4) Should the legislature revoke any benefits or rights provided
6 under this section, no affected officer or employee shall be entitled
7 thereafter to receive such benefits or exercise such rights as a
8 matter of contractual right.

9 (5) Vacation leave credit acquired and accumulated under this
10 section shall never, regardless of circumstances, be deferred by the
11 employing office, department, or institution by filing a statement of
12 necessity under the provisions of RCW 43.01.040.

13 (6) Notwithstanding any other provision of this chapter, on or
14 after July 24, 1983, a statement of necessity for excess leave((~~7~~))
15 shall, as a minimum, include the following: (a) The specific number
16 of ((~~days~~)) hours of excess leave; and (b) the date on which it was
17 authorized. A copy of any such authorization shall be sent to the
18 department of retirement systems.

19 **Sec. 3.** RCW 43.01.041 and 2011 1st sp.s. c 39 s 13 are each
20 amended to read as follows:

21 Officers and employees referred to in RCW 43.01.040 whose
22 employment is terminated by their death, reduction in force,
23 resignation, dismissal, or retirement, who have been employed for at
24 least six continuous months, and who have accrued vacation leave as
25 specified in RCW 43.01.040 or 43.01.044, shall be paid therefor under
26 their contract of employment, or their estate if they are deceased,
27 or if the employee in case of voluntary resignation has provided
28 adequate notice of termination. ((~~Annual~~)) Vacation leave accumulated
29 under RCW 43.01.044 is not to be included in the computation of
30 retirement benefits. From July 1, 2011, through June 29, 2013, the
31 amount of pay received by an employee under the provisions of this
32 section shall not be reduced by any temporary salary reduction.

33 Should the legislature revoke any benefits or rights provided
34 under chapter 292, Laws of 1985, no affected officer or employee
35 shall be entitled thereafter to receive such benefits or exercise
36 such rights as a matter of contractual right.

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

1 the state government and its existing public institutions, and takes
2 effect July 1, 2017.

Passed by the House March 1, 2017.

Passed by the Senate April 12, 2017.

Approved by the Governor May 4, 2017.

Filed in Office of Secretary of State May 4, 2017.

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