
HOUSE BILL 2312

State of Washington

69th Legislature

2026 Regular Session

By Representatives Salahuddin, Berry, Reed, Ramel, Santos, Obras, Parshley, Zahn, Thomas, Doglio, Gregerson, Ormsby, Scott, Reeves, Macri, Fosse, Bergquist, Hill, Davis, Pollet, and Street

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1 AN ACT Relating to authorizing shared leave for absences
2 resulting from immigration enforcement actions; and amending RCW
3 41.04.665.

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

5 **Sec. 1.** RCW 41.04.665 and 2020 c 6 s 2 are each amended to read
6 as follows:

7 (1) An agency head may permit an employee to receive leave under
8 this section if:

9 (a)(i) The employee suffers from, or has a relative or household
10 member suffering from, an illness, injury, impairment, or physical or
11 mental condition which is of an extraordinary or severe nature;

12 (ii) The employee has been called to service in the uniformed
13 services;

14 (iii) The employee is a current member of the uniformed services
15 or is a veteran as defined under RCW 41.04.005, and is attending
16 medical appointments or treatments for a service connected injury or
17 disability;

18 (iv) The employee is a spouse of a current member of the
19 uniformed services or a veteran as defined under RCW 41.04.005, who
20 is attending medical appointments or treatments for a service

1 connected injury or disability and requires assistance while
2 attending appointment or treatment;

3 (v) A state of emergency has been declared anywhere within the
4 United States by the federal or any state government and the employee
5 has needed skills to assist in responding to the emergency or its
6 aftermath and volunteers his or her services to either a governmental
7 agency or to a nonprofit organization engaged in humanitarian relief
8 in the devastated area, and the governmental agency or nonprofit
9 organization accepts the employee's offer of volunteer services;

10 (vi) The employee is a victim of domestic violence, sexual
11 assault, or stalking;

12 (vii) The employee needs the time for parental leave; ((~~or~~))

13 (viii) The employee is sick or temporarily disabled because of
14 pregnancy disability; or

15 (ix) (A) The employee's absence from work is due to the
16 involvement of the employee or employee's family member in an
17 immigration enforcement action. For purposes of this subsection,
18 "immigration enforcement action" includes, but is not limited to,
19 detainment, the preparation for or participation in any judicial or
20 administrative immigration proceeding, deportation, or any other
21 hardship due to family separation caused by these actions.

22 (B) An employer may, but is not required to, request that the
23 employee submit verification for leave taken under this subsection
24 (1) (a) (ix). An employer that requests verification shall direct the
25 employee not to disclose within it personally identifiable
26 information about a person's immigration status or underlying
27 immigration protection. If an employee submits verification that
28 discloses such information, that information is confidential and not
29 subject to disclosure under chapter 42.56 RCW, and the employer shall
30 redact the information upon receipt. If an employer requests
31 verification, an employee may submit, and the employee must accept,
32 one of the following:

33 (I) Documentation that the employee or the employee's family
34 member is involved in an immigration enforcement action from any of
35 the following persons from whom the employee or employee's family
36 member sought assistance in addressing the immigration enforcement
37 action: An advocate for immigrants or refugees, an attorney, a member
38 of the clergy, or any other professional. An employee who provides
39 documentation under this subsection does not waive or diminish the
40 confidential or privileged nature of communications between an

1 employee or an employee's family member and one or more of the
2 individuals described in this subsection pursuant to RCW 5.60.060 or
3 other applicable law; or

4 (II) An employee's written statement that the employee or the
5 employee's family member is involved in an immigration enforcement
6 action and that the leave taken is because of an immigration
7 enforcement action.

8 (C) For purposes of this subsection (1)(a)(ix), "family member"
9 means a parent, sibling, parent-in-law, spouse, registered domestic
10 partner, grandparent, grandchild, minor or dependent child, child,
11 and any individual who regularly resides in the employee's home or
12 where the relationship creates an expectation that the employee care
13 for the person, and that individual depends on the employee for care.
14 "Family member" does not include an individual who simply resides in
15 the same home with no expectation that the employee cares for the
16 individual;

17 (b) The illness, injury, impairment, condition, call to service,
18 emergency volunteer service, or consequence of domestic violence,
19 sexual assault, temporary layoff under section 3(5), chapter 32, Laws
20 of 2010 1st sp. sess., ~~((~~o~~))~~ stalking, or involvement in an
21 immigration enforcement action pursuant to (a)(ix) of this
22 subsection, has caused, or is likely to cause, the employee to:

23 (i) Go on leave without pay status; or

24 (ii) Terminate state employment;

25 (c) The employee's absence and the use of shared leave are
26 justified;

27 (d) The employee has depleted or will shortly deplete his or her:

28 (i) Annual leave and sick leave reserves if he or she qualifies
29 under (a)(i) of this subsection;

30 (ii) Annual leave and paid military leave allowed under RCW
31 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

32 (iii) Annual leave if he or she qualifies under (a)(v) or (vi)
33 of this subsection; or

34 (iv) Annual leave and sick leave reserves if the employee
35 qualifies under (a)(vii) ~~((~~o~~))~~, (viii), or (ix) of this subsection;

36 (e) The employee has abided by agency rules regarding:

37 (i) Sick leave use if he or she qualifies under (a)(i), (vi),
38 (vii), ~~((~~o~~))~~ (viii), or (ix) of this subsection; or

39 (ii) Military leave if he or she qualifies under (a)(ii) of this
40 subsection; and

1 (f)(i) Until the expiration of proclamation 20-05, issued
2 February 29, 2020, by the governor and declaring a state of emergency
3 in the state of Washington, or any amendment thereto, whichever is
4 later, an agency head may permit an employee to receive shared leave
5 under this section if the employee, or a relative or household
6 member, is isolated or quarantined as recommended, requested, or
7 ordered by a public health official or health care provider as a
8 result of suspected or confirmed infection with or exposure to the
9 2019 novel coronavirus (COVID-19). An agency head may permit use of
10 shared leave under this subsection (1)(f) without considering the
11 requirements of (a) through (e) of this subsection.

12 (ii) The office of the governor must provide notice of the
13 expiration of proclamation 20-05, or any amendment thereto, whichever
14 is later, to the chief clerk of the house of representatives, the
15 secretary of the senate, the office of the code reviser, and others
16 as deemed appropriate by the office of the governor.

17 (2)(a) The agency head shall determine the amount of leave, if
18 any, which an employee may receive under this section. However, the
19 agency head may not prevent an employee from using shared leave
20 intermittently or on nonconsecutive days so long as the leave has not
21 been returned under subsection (10) of this section. In addition, an
22 employee shall not receive a total of more than five hundred twenty-
23 two days of leave, except that, a supervisor may authorize leave in
24 excess of five hundred twenty-two days in extraordinary circumstances
25 for an employee qualifying for the shared leave program because he or
26 she is suffering from an illness, injury, impairment, or physical or
27 mental condition which is of an extraordinary or severe nature.
28 Shared leave received under the uniformed service shared leave pool
29 in RCW 41.04.685 is not included in this total.

30 (b) An employee receiving industrial insurance wage replacement
31 benefits may not receive greater than twenty-five percent of his or
32 her base salary from the receipt of shared leave under this section.

33 (3) The agency head must allow employees who are veterans, as
34 defined under RCW 41.04.005, and their spouses, to access shared
35 leave from the veterans' in-state service shared leave pool upon
36 employment.

37 (4) An employee may transfer annual leave, sick leave, and his or
38 her personal holiday, as follows:

39 (a) An employee who has an accrued annual leave balance of more
40 than ten days may request that the head of the agency for which the

1 employee works transfer a specified amount of annual leave to another
2 employee authorized to receive leave under subsection (1) of this
3 section. In no event may the employee request a transfer of an amount
4 of leave that would result in his or her annual leave account going
5 below ten days. For purposes of this subsection (4)(a), annual leave
6 does not accrue if the employee receives compensation in lieu of
7 accumulating a balance of annual leave.

8 (b) An employee may transfer a specified amount of sick leave to
9 an employee requesting shared leave only when the donating employee
10 retains a minimum of one hundred seventy-six hours of sick leave
11 after the transfer.

12 (c) An employee may transfer, under the provisions of this
13 section relating to the transfer of leave, all or part of his or her
14 personal holiday, as that term is defined under RCW 1.16.050, or as
15 such holidays are provided to employees by agreement with a school
16 district's board of directors if the leave transferred under this
17 subsection does not exceed the amount of time provided for personal
18 holidays under RCW 1.16.050.

19 (5) An employee of an institution of higher education under RCW
20 28B.10.016, school district, or educational service district who does
21 not accrue annual leave but does accrue sick leave and who has an
22 accrued sick leave balance of more than twenty-two days may request
23 that the head of the agency for which the employee works transfer a
24 specified amount of sick leave to another employee authorized to
25 receive leave under subsection (1) of this section. In no event may
26 such an employee request a transfer that would result in his or her
27 sick leave account going below twenty-two days. Transfers of sick
28 leave under this subsection are limited to transfers from employees
29 who do not accrue annual leave. Under this subsection, "sick leave"
30 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or
31 28A.310.240(1) with compensation for illness, injury, and
32 emergencies.

33 (6) Transfers of leave made by an agency head under subsections
34 (4) and (5) of this section shall not exceed the requested amount.

35 (7) Leave transferred under this section may be transferred from
36 employees of one agency to an employee of the same agency or, with
37 the approval of the heads of both agencies, to an employee of another
38 state agency.

39 (8) While an employee is on leave transferred under this section,
40 he or she shall continue to be classified as a state employee and

1 shall receive the same treatment in respect to salary, wages, and
2 employee benefits as the employee would normally receive if using
3 accrued annual leave or sick leave.

4 (a) All salary and wage payments made to employees while on leave
5 transferred under this section shall be made by the agency employing
6 the person receiving the leave. The value of leave transferred shall
7 be based upon the leave value of the person receiving the leave.

8 (b) In the case of leave transferred by an employee of one agency
9 to an employee of another agency, the agencies involved shall arrange
10 for the transfer of funds and credit for the appropriate value of
11 leave.

12 (i) Pursuant to rules adopted by the office of financial
13 management, funds shall not be transferred under this section if the
14 transfer would violate any constitutional or statutory restrictions
15 on the funds being transferred.

16 (ii) The office of financial management may adjust the
17 appropriation authority of an agency receiving funds under this
18 section only if and to the extent that the agency's existing
19 appropriation authority would prevent it from expending the funds
20 received.

21 (iii) Where any questions arise in the transfer of funds or the
22 adjustment of appropriation authority, the director of financial
23 management shall determine the appropriate transfer or adjustment.

24 (9) Leave transferred under this section shall not be used in any
25 calculation to determine an agency's allocation of full time
26 equivalent staff positions.

27 (10)(a) The value of any leave transferred under this section
28 which remains unused shall be returned at its original value to the
29 employee or employees who transferred the leave when the agency head
30 finds that the leave is no longer needed or will not be needed at a
31 future time in connection with the illness or injury for which the
32 leave was transferred or for any other qualifying condition. Unused
33 shared leave may not be returned until one of the following occurs:

34 (i) The agency head receives from the affected employee a
35 statement from the employee's doctor verifying that the illness or
36 injury is resolved; or

37 (ii) The employee is released to full-time employment; has not
38 received additional medical treatment for his or her current
39 condition or any other qualifying condition for at least six months;
40 and the employee's doctor has declined, in writing, the employee's

1 request for a statement indicating the employee's condition has been
2 resolved.

3 (b) If a shared leave account is closed and an employee later has
4 a need to use shared leave due to the same condition listed in the
5 closed account, the agency head must approve a new shared leave
6 request for the employee.

7 (c) To the extent administratively feasible, the value of unused
8 leave which was transferred by more than one employee shall be
9 returned on a pro rata basis.

10 (11) An employee who uses leave that is transferred to him or her
11 under this section may not be required to repay the value of the
12 leave that he or she used.

13 (12) The director of financial management may adopt rules as
14 necessary to implement subsection (2) of this section.

15 (13) For the purposes of this section, "shortly deplete" means
16 that the employee will have forty hours or less of the applicable
17 leave types under subsection (1)(d) of this section. However, the
18 employee is not required to deplete all of the employee's leave and
19 can maintain up to forty hours of the applicable leave types in
20 reserve.

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