
SUBSTITUTE HOUSE BILL 2411

State of Washington

69th Legislature

2026 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Salahuddin, Berry, Street, Parshley, Ryu, Callan, Zahn, Scott, Obras, Simmons, Ramel, Thomas, Bergquist, Davis, Ormsby, Pollet, Santos, Macri, Goodman, Reed, Hill, and Donaghy)

READ FIRST TIME 01/20/26.

1 AN ACT Relating to modifying shared leave provisions to authorize
2 shared leave for victims of a hate crime and those whose absence is
3 due to immigration enforcement actions against the employee or the
4 employee's relative; and amending RCW 41.04.665, 41.04.655, and
5 41.04.660.

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

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

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

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

14 (ii) The employee has been called to service in the uniformed
15 services;

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

20 (iv) The employee is a spouse of a current member of the
21 uniformed services or a veteran as defined under RCW 41.04.005, who

1 is attending medical appointments or treatments for a service
2 connected injury or disability and requires assistance while
3 attending appointment or treatment;

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

11 (vi) The employee is a victim of domestic violence, sexual
12 assault, ~~((~~o~~))~~ stalking, or a hate crime;

13 (vii) The employee needs the time for parental leave; ~~((~~o~~))~~

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

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

25 (B) An employer may, but is not required to, request that the
26 employee submit verification for leave taken under this subsection
27 (1)(a)(ix). An employer that requests verification shall direct the
28 employee not to disclose within it personally identifiable
29 information about a person's immigration status or underlying
30 immigration protection. If an employee submits verification that
31 discloses such information, that information is confidential and not
32 subject to disclosure under chapter 42.56 RCW, except when disclosure
33 is required to comply with 8 U.S.C. 1373 as it existed on the
34 effective date of this act or any other state or federal law, and the
35 employer shall redact the information upon receipt. If an employer
36 requests verification, an employee may submit, and the employer must
37 accept, one of the following:

38 (I) Documentation that the employee or the employee's relative or
39 household member is involved in an immigration enforcement action
40 from any of the following persons from whom the employee or

1 employee's relative or household member sought assistance in
2 addressing the immigration enforcement action: An advocate for
3 immigrants or refugees, an attorney, a member of the clergy, or any
4 other professional. An employee who provides documentation under this
5 subsection does not waive or diminish the confidential or privileged
6 nature of communications between an employee or an employee's
7 relative or household member and one or more of the individuals
8 described in this subsection pursuant to RCW 5.60.060 or other
9 applicable law; or

10 (II) An employee's written statement that the employee or the
11 employee's relative or household member is involved in an immigration
12 enforcement action and that the leave taken is because of an
13 immigration enforcement action;

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

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

21 (ii) Terminate state employment;

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

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

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

27 (ii) Annual leave and paid military leave allowed under RCW
28 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

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

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

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

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

37 (ii) Military leave if he or she qualifies under (a)(ii) of this
38 subsection ~~((; and~~

39 ~~(f)(i) Until the expiration of proclamation 20-05, issued~~
40 ~~February 29, 2020, by the governor and declaring a state of emergency~~

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

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

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

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

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

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

37 (a) An employee who has an accrued annual leave balance of more
38 than ten days may request that the head of the agency for which the
39 employee works transfer a specified amount of annual leave to another
40 employee authorized to receive leave under subsection (1) of this

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

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

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

17 (5) An employee of an institution of higher education under RCW
18 28B.10.016, school district, or educational service district who does
19 not accrue annual leave but does accrue sick leave and who has an
20 accrued sick leave balance of more than twenty-two days may request
21 that the head of the agency for which the employee works transfer a
22 specified amount of sick leave to another employee authorized to
23 receive leave under subsection (1) of this section. In no event may
24 such an employee request a transfer that would result in his or her
25 sick leave account going below twenty-two days. Transfers of sick
26 leave under this subsection are limited to transfers from employees
27 who do not accrue annual leave. Under this subsection, "sick leave"
28 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or
29 28A.310.240(1) with compensation for illness, injury, and
30 emergencies.

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

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

37 (8) While an employee is on leave transferred under this section,
38 he or she shall continue to be classified as a state employee and
39 shall receive the same treatment in respect to salary, wages, and

1 employee benefits as the employee would normally receive if using
2 accrued annual leave or sick leave.

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

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

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

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

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

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

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

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

36 (ii) The employee is released to full-time employment; has not
37 received additional medical treatment for his or her current
38 condition or any other qualifying condition for at least six months;
39 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.

21 **Sec. 2.** RCW 41.04.655 and 2021 c 215 s 148 are each amended to
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout RCW 41.04.650 through 41.04.670,
25 28A.400.380, and section 7, chapter 93, Laws of 1989.

26 (1) "Domestic violence" means any of the following acts committed
27 by one family or household member against another or by one intimate
28 partner against another, as those terms are defined in RCW 10.99.020:

29 (a) Physical harm, bodily injury, assault, or the infliction of
30 fear of imminent physical harm, bodily injury, or assault;

31 (b) Sexual assault; or

32 (c) Stalking as defined in RCW 9A.46.110.

33 (2) "Employee" means any employee of the state, including
34 employees of school districts and educational service districts, who
35 are entitled to accrue sick leave or annual leave and for whom
36 accurate leave records are maintained.

37 (3) "Hate crime" has the same meaning as in RCW 49.76.020.

1 (4) "Parental leave" means leave to bond and care for a newborn
2 child after birth or to bond and care for a child after placement for
3 adoption or foster care.

4 ~~((4))~~ (5) "Pregnancy disability" means a pregnancy-related
5 medical condition or miscarriage.

6 ~~((5))~~ (6) "Program" means the leave sharing program established
7 in RCW 41.04.660.

8 ~~((6))~~ (7) "Relative or household member" means a child,
9 grandchild, grandparent, parent, sibling, or spouse of an employee,
10 and also includes any individual who regularly resides in the
11 employee's home or where the relationship creates an expectation that
12 the employee care for the person, and that individual depends on the
13 employee for care. "Relative or household member" includes any
14 individual who regularly resides in the employee's home, except that
15 it does not include an individual who simply resides in the same home
16 with no expectation that the employee care for the individual.

17 (8) "Service in the uniformed services" means the performance of
18 duty on a voluntary or involuntary basis in a uniformed service under
19 competent authority and includes active duty, active duty for
20 training, initial active duty for training, inactive duty training,
21 full-time national guard duty including state-ordered active duty,
22 and a period for which a person is absent from a position of
23 employment for the purpose of an examination to determine the fitness
24 of the person to perform any such duty.

25 ~~((7))~~ (9) "Sexual assault" has the same meaning as set forth in
26 RCW 70.125.030.

27 ~~((8))~~ (10) "Stalking" has the same meaning as set forth in RCW
28 9A.46.110.

29 ~~((9))~~ (11) "State agency" or "agency" means departments,
30 offices, agencies, or institutions of state government, the
31 legislature, institutions of higher education, school districts, and
32 educational service districts.

33 ~~((10))~~ (12) "Uniformed services" means the armed forces, the
34 army national guard, and the air national guard of any state,
35 territory, commonwealth, possession, or district when engaged in
36 active duty for training, inactive duty training, full-time national
37 guard duty, or state active duty, the commissioned corps of the
38 public health service, the coast guard, and any other category of
39 persons designated by the president of the United States in time of
40 war or national emergency.

1 (~~(11)~~) (13) "Victim" means a person against whom domestic
2 violence, sexual assault, (~~(12)~~) stalking, or a hate crime has been
3 committed as defined in this section.

4 **Sec. 3.** RCW 41.04.660 and 2018 c 39 s 3 are each amended to read
5 as follows:

6 The Washington state leave sharing program is hereby created. The
7 purpose of the program is to permit state employees, at no
8 significantly increased cost to the state of providing annual leave,
9 sick leave, or personal holidays, to come to the aid of a fellow
10 state employee who is suffering from or has a relative or household
11 member suffering from an extraordinary or severe illness, injury,
12 impairment, or physical or mental condition; a fellow state employee
13 who is a victim of domestic violence, sexual assault, a hate crime,
14 or stalking; a fellow state employee who is sick or temporarily
15 disabled because of pregnancy disability or for the purpose of
16 parental leave; (~~(12)~~) a fellow state employee who has been called to
17 service in the uniformed services; or a fellow state employee whose
18 absence from work is due to the involvement of the employee or
19 employee's relative or household member in an immigration enforcement
20 action, which has caused or is likely to cause the employee to take
21 leave without pay or terminate his or her employment.

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