
HOUSE BILL 2411

State of Washington

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2026 Regular Session

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 01/13/26. Referred to Committee on State Government & Tribal Relations.

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 and 41.04.655.

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

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

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

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

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

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

19 (iv) The employee is a spouse of a current member of the
20 uniformed services or a veteran as defined under RCW 41.04.005, who
21 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, ~~((~~o~~))~~ stalking, or a hate crime;

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

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

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

15 (ii) Terminate state employment;

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

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

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

21 (ii) Annual leave and paid military leave allowed under RCW
22 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

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

25 (iv) Annual leave and sick leave reserves if the employee
26 qualifies under (a)(vii) ~~((~~☒~~))~~, (viii), or (ix) of this subsection;
27 and

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

29 (i) Sick leave use if he or she qualifies under (a)(i), (vi),
30 (vii), ~~((~~☒~~))~~ (viii), or (ix) of this subsection; or

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

33 ~~(f)(i) Until the expiration of proclamation 20-05, issued~~
34 ~~February 29, 2020, by the governor and declaring a state of emergency~~
35 ~~in the state of Washington, or any amendment thereto, whichever is~~
36 ~~later, an agency head may permit an employee to receive shared leave~~
37 ~~under this section if the employee, or a relative or household~~
38 ~~member, is isolated or quarantined as recommended, requested, or~~
39 ~~ordered by a public health official or health care provider as a~~
40 ~~result of suspected or confirmed infection with or exposure to the~~

1 ~~2019 novel coronavirus (COVID-19). An agency head may permit use of~~
2 ~~shared leave under this subsection (1)(f) without considering the~~
3 ~~requirements of (a) through (e) of this subsection.~~

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

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

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

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

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

31 (a) An employee who has an accrued annual leave balance of more
32 than ten days may request that the head of the agency for which the
33 employee works transfer a specified amount of annual leave to another
34 employee authorized to receive leave under subsection (1) of this
35 section. In no event may the employee request a transfer of an amount
36 of leave that would result in his or her annual leave account going
37 below ten days. For purposes of this subsection (4) (a), annual leave
38 does not accrue if the employee receives compensation in lieu of
39 accumulating a balance of annual leave.

1 (b) An employee may transfer a specified amount of sick leave to
2 an employee requesting shared leave only when the donating employee
3 retains a minimum of one hundred seventy-six hours of sick leave
4 after the transfer.

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

12 (5) An employee of an institution of higher education under RCW
13 28B.10.016, school district, or educational service district who does
14 not accrue annual leave but does accrue sick leave and who has an
15 accrued sick leave balance of more than twenty-two days may request
16 that the head of the agency for which the employee works transfer a
17 specified amount of sick leave to another employee authorized to
18 receive leave under subsection (1) of this section. In no event may
19 such an employee request a transfer that would result in his or her
20 sick leave account going below twenty-two days. Transfers of sick
21 leave under this subsection are limited to transfers from employees
22 who do not accrue annual leave. Under this subsection, "sick leave"
23 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or
24 28A.310.240(1) with compensation for illness, injury, and
25 emergencies.

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

28 (7) Leave transferred under this section may be transferred from
29 employees of one agency to an employee of the same agency or, with
30 the approval of the heads of both agencies, to an employee of another
31 state agency.

32 (8) While an employee is on leave transferred under this section,
33 he or she shall continue to be classified as a state employee and
34 shall receive the same treatment in respect to salary, wages, and
35 employee benefits as the employee would normally receive if using
36 accrued annual leave or sick leave.

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

1 (b) In the case of leave transferred by an employee of one agency
2 to an employee of another agency, the agencies involved shall arrange
3 for the transfer of funds and credit for the appropriate value of
4 leave.

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

9 (ii) The office of financial management may adjust the
10 appropriation authority of an agency receiving funds under this
11 section only if and to the extent that the agency's existing
12 appropriation authority would prevent it from expending the funds
13 received.

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

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

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

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

30 (ii) The employee is released to full-time employment; has not
31 received additional medical treatment for his or her current
32 condition or any other qualifying condition for at least six months;
33 and the employee's doctor has declined, in writing, the employee's
34 request for a statement indicating the employee's condition has been
35 resolved.

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

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

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

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

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

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

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout RCW 41.04.650 through 41.04.670,
19 28A.400.380, and section 7, chapter 93, Laws of 1989.

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

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

25 (b) Sexual assault; or

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

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

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

32 (4) "Parental leave" means leave to bond and care for a newborn
33 child after birth or to bond and care for a child after placement for
34 adoption or foster care.

35 ~~((4))~~ (5) "Pregnancy disability" means a pregnancy-related
36 medical condition or miscarriage.

37 ~~((5))~~ (6) "Program" means the leave sharing program established
38 in RCW 41.04.660.

1 ~~((6))~~ (7) "Relative or household member" means a child,
2 grandchild, grandparent, parent, sibling, or spouse of an employee,
3 and also includes any individual who regularly resides in the
4 employee's home or where the relationship creates an expectation that
5 the employee care for the person, and that individual depends on the
6 employee for care. "Relative or household member" includes any
7 individual who regularly resides in the employee's home, except that
8 it does not include an individual who simply resides in the same home
9 with no expectation that the employee care for the individual.

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

18 ~~((7))~~ (9) "Sexual assault" has the same meaning as set forth in
19 RCW 70.125.030.

20 ~~((8))~~ (10) "Stalking" has the same meaning as set forth in RCW
21 9A.46.110.

22 ~~((9))~~ (11) "State agency" or "agency" means departments,
23 offices, agencies, or institutions of state government, the
24 legislature, institutions of higher education, school districts, and
25 educational service districts.

26 ~~((10))~~ (12) "Uniformed services" means the armed forces, the
27 army national guard, and the air national guard of any state,
28 territory, commonwealth, possession, or district when engaged in
29 active duty for training, inactive duty training, full-time national
30 guard duty, or state active duty, the commissioned corps of the
31 public health service, the coast guard, and any other category of
32 persons designated by the president of the United States in time of
33 war or national emergency.

34 ~~((11))~~ (13) "Victim" means a person against whom domestic
35 violence, sexual assault, ~~((or))~~ stalking, or a hate crime has been
36 committed as defined in this section.

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