

**HB 2281** - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/12/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 41.04.665 and 2003 1st sp.s. c 12 s 3 are each  
4 amended to read as follows:

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

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

10 (ii) The employee has been called to service in the uniformed  
11 services; or

12 (iii) A state of emergency has been declared anywhere within the  
13 United States by the federal or any state government and the employee  
14 has needed skills to assist in responding to the emergency or its  
15 aftermath and volunteers his or her services to either a governmental  
16 agency or to a nonprofit organization engaged in humanitarian relief in  
17 the devastated area, and the governmental agency or nonprofit  
18 organization accepts the employee's offer of volunteer services;

19 (b) The illness, injury, impairment, condition, ~~((~~or~~))~~ call to  
20 service, or emergency volunteer service has caused, or is likely to  
21 cause, the employee to:

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

23 (ii) Terminate state employment;

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

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

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

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

1       (iii) Annual leave if he or she qualifies under (a)(iii) of this  
2 subsection;

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

4       (i) Sick leave use if he or she qualifies under (a)(i) of this  
5 subsection; or

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

8       (f) The employee has diligently pursued and been found to be  
9 ineligible for benefits under chapter 51.32 RCW if he or she qualifies  
10 under (a)(i) of this subsection.

11       (2) The agency head shall determine the amount of leave, if any,  
12 which an employee may receive under this section. However, an employee  
13 shall not receive a total of more than two hundred sixty-one days of  
14 leave.

15       (3) An employee may transfer annual leave, sick leave, and his or  
16 her personal holiday, as follows:

17       (a) An employee who has an accrued annual leave balance of more  
18 than ten days may request that the head of the agency for which the  
19 employee works transfer a specified amount of annual leave to another  
20 employee authorized to receive leave under subsection (1) of this  
21 section. In no event may the employee request a transfer of an amount  
22 of leave that would result in his or her annual leave account going  
23 below ten days. For purposes of this subsection (3)(a), annual leave  
24 does not accrue if the employee receives compensation in lieu of  
25 accumulating a balance of annual leave.

26       (b) An employee may transfer a specified amount of sick leave to an  
27 employee requesting shared leave only when the donating employee  
28 retains a minimum of one hundred seventy-six hours of sick leave after  
29 the transfer.

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

37       (4) An employee of an institution of higher education under RCW  
38 28B.10.016, school district, or educational service district who does

1 not accrue annual leave but does accrue sick leave and who has an  
2 accrued sick leave balance of more than twenty-two days may request  
3 that the head of the agency for which the employee works transfer a  
4 specified amount of sick leave to another employee authorized to  
5 receive leave under subsection (1) of this section. In no event may  
6 such an employee request a transfer that would result in his or her  
7 sick leave account going below twenty-two days. Transfers of sick  
8 leave under this subsection are limited to transfers from employees who  
9 do not accrue annual leave. Under this subsection, "sick leave" also  
10 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)  
11 with compensation for illness, injury, and emergencies.

12 (5) Transfers of leave made by an agency head under subsections (3)  
13 and (4) of this section shall not exceed the requested amount.

14 (6) Leave transferred under this section may be transferred from  
15 employees of one agency to an employee of the same agency or, with the  
16 approval of the heads of both agencies, to an employee of another state  
17 agency. However, leave transferred to or from employees of school  
18 districts or educational service districts is limited to transfers to  
19 or from employees within the same employing district.

20 (7) While an employee is on leave transferred under this section,  
21 he or she shall continue to be classified as a state employee and shall  
22 receive the same treatment in respect to salary, wages, and employee  
23 benefits as the employee would normally receive if using accrued annual  
24 leave or sick leave.

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

29 (b) In the case of leave transferred by an employee of one agency  
30 to an employee of another agency, the agencies involved shall arrange  
31 for the transfer of funds and credit for the appropriate value of  
32 leave.

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

37 (ii) The office of financial management may adjust the

1 appropriation authority of an agency receiving funds under this section  
2 only if and to the extent that the agency's existing appropriation  
3 authority would prevent it from expending the funds received.

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

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

10 (9) The value of any leave transferred under this section which  
11 remains unused shall be returned at its original value to the employee  
12 or employees who transferred the leave when the agency head finds that  
13 the leave is no longer needed or will not be needed at a future time in  
14 connection with the illness or injury for which the leave was  
15 transferred or for any other qualifying condition. Before the agency  
16 head makes a determination to return unused leave in connection with an  
17 illness or injury, or any other qualifying condition, he or she must  
18 receive from the affected employee a statement from the employee's  
19 doctor verifying that the illness or injury is resolved. To the extent  
20 administratively feasible, the value of unused leave which was  
21 transferred by more than one employee shall be returned on a pro rata  
22 basis.

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

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26 On page 1, line 1 of the title, after "leave;" strike the remainder  
27 of the title and insert "and amending RCW 41.04.665."

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