

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5838

56th Legislature
1999 Regular Session

Passed by the Senate March 13, 1999
YEAS 44 NAYS 0

President of the Senate

Passed by the House April 6, 1999
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5838** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5838

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to personal holiday leave sharing for school
2 district employees; and amending RCW 41.04.665.

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

4 **Sec. 1.** RCW 41.04.665 and 1996 c 176 s 1 are each amended to read
5 as follows:

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

8 (a) The employee suffers from, or has a relative or household
9 member suffering from, an illness, injury, impairment, or physical or
10 mental condition which is of an extraordinary or severe nature and
11 which has caused, or is likely to cause, the employee to:

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

13 (ii) Terminate state employment;

14 (b) The employee's absence and the use of shared leave are
15 justified;

16 (c) The employee has depleted or will shortly deplete his or her
17 annual leave and sick leave reserves;

18 (d) The employee has abided by agency rules regarding sick leave
19 use; and

1 (e) The employee has diligently pursued and been found to be
2 ineligible for benefits under chapter 51.32 RCW.

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

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

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

18 (b) An employee may transfer a specified amount of sick leave to an
19 employee requesting shared leave only when the donating employee
20 retains a minimum of four hundred eighty hours of sick leave after the
21 transfer. In no event may such an employee request a transfer of more
22 than six days of sick leave during any twelve-month period.

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

31 (4) An employee of an institution of higher education under RCW
32 28B.10.016, school district, or educational service district who does
33 not accrue annual leave but does accrue sick leave and who has an
34 accrued sick leave balance of more than sixty days may request that the
35 head of the agency for which the employee works transfer a specified
36 amount of sick leave to another employee authorized to receive leave
37 under subsection (1) of this section. In no event may such an employee
38 request a transfer of more than six days of sick leave during any
39 twelve month period, or request a transfer that would result in his or

1 her sick leave account going below sixty days. Transfers of sick leave
2 under this subsection are limited to transfers from employees who do
3 not accrue annual leave. Under this subsection, "sick leave" also
4 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)
5 with compensation for illness, injury, and emergencies.

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

8 (6) Leave transferred under this section may be transferred from
9 employees of one agency to an employee of the same agency or, with the
10 approval of the heads of both agencies, to an employee of another state
11 agency. However, leave transferred to or from employees of school
12 districts or educational service districts is limited to transfers to
13 or from employees within the same employing district.

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

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

23 (b) In the case of leave transferred by an employee of one agency
24 to an employee of another agency, the agencies involved shall arrange
25 for the transfer of funds and credit for the appropriate value of
26 leave.

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

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

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

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

4 (9) The value of any leave transferred under this section which
5 remains unused shall be returned at its original value to the employee
6 or employees who transferred the leave when the agency head finds that
7 the leave is no longer needed or will not be needed at a future time in
8 connection with the illness or injury for which the leave was
9 transferred. To the extent administratively feasible, the value of
10 unused leave which was transferred by more than one employee shall be
11 returned on a pro rata basis.

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

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