
HOUSE BILL 2266

State of Washington 58th Legislature 2003 Regular Session

By Representatives Hunt and Romero

Read first time 04/17/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to leave sharing; and amending RCW 41.04.655,
2 41.04.660, and 41.04.665.

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

4 **Sec. 1.** RCW 41.04.655 and 1990 c 33 s 569 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 41.04.650 through 41.04.670,
8 28A.400.380, and section 7, chapter 93, Laws of 1989.

9 (1) "Employee" means any employee of the state, including employees
10 of school districts and educational service districts, who are entitled
11 to accrue sick leave or annual leave and for whom accurate leave
12 records are maintained.

13 (2) "Program" means the leave sharing program established in RCW
14 41.04.660.

15 (3) "Service in the uniformed services" means the performance of
16 duty on a voluntary or involuntary basis in a uniformed service under
17 competent authority and includes active duty, active duty for training,
18 initial active duty for training, inactive duty training, full-time
19 national guard duty including state-ordered active duty, and a period

1 for which a person is absent from a position of employment for the
2 purpose of an examination to determine the fitness of the person to
3 perform any such duty.

4 (4) "State agency" or "agency" means departments, offices,
5 agencies, or institutions of state government, the legislature,
6 institutions of higher education, school districts, and educational
7 service districts.

8 ~~((3) "Program" means the leave sharing program established in RCW~~
9 ~~41.04.660.))~~ (5) "Uniformed services" means the armed forces, the army
10 national guard, and the air national guard of any state, territory,
11 commonwealth, possession, or district when engaged in active duty for
12 training, inactive duty training, full-time national guard duty, or
13 state active duty, the commissioned corps of the public health service,
14 the coast guard, and any other category of persons designated by the
15 president of the United States in time of war or national emergency.

16 **Sec. 2.** RCW 41.04.660 and 1996 c 176 s 2 are each amended to read
17 as follows:

18 The Washington state leave sharing program is hereby created. The
19 purpose of the program is to permit state employees, at no
20 significantly increased cost to the state of providing annual leave,
21 sick leave, or personal holidays, to come to the aid of a fellow state
22 employee who is suffering from or has a relative or household member
23 suffering from an extraordinary or severe illness, injury, impairment,
24 or physical or mental condition, or who has been called to service in
25 the uniformed services, which has caused or is likely to cause the
26 employee to take leave without pay or terminate his or her employment.

27 **Sec. 3.** RCW 41.04.665 and 1999 c 25 s 1 are each amended to read
28 as follows:

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

31 (a) The employee has been called to service in the uniformed
32 services, or the employee suffers from, or has a relative or household
33 member suffering from, an illness, injury, impairment, or physical or
34 mental condition which is of an extraordinary or severe nature ~~((and~~
35 ~~which has))~~. The service or illness, injury, impairment, or condition
36 must have caused, or is likely to cause, the employee to:

1 (i) Go on leave without pay status; or
2 (ii) Terminate state employment;
3 (b) The employee's absence and the use of shared leave are
4 justified;
5 (c) The employee has depleted or will shortly deplete his or her
6 annual leave and sick leave reserves, and military leave allowed under
7 RCW 38.40.060 if applicable;
8 (d) The employee has abided by agency rules regarding sick leave
9 and, if applicable, military leave use; and
10 (e) The employee has diligently pursued and been found to be
11 ineligible for benefits under chapter 51.32 RCW.
12 (2) The agency head shall determine the amount of leave, if any,
13 which an employee may receive under this section. However, an employee
14 shall not receive a total of more than two hundred sixty-one days of
15 leave.
16 (3) An employee may transfer annual leave, sick leave, and his or
17 her personal holiday, as follows:
18 (a) An employee who has an accrued annual leave balance of more
19 than ten days may request that the head of the agency for which the
20 employee works transfer a specified amount of annual leave to another
21 employee authorized to receive leave under subsection (1) of this
22 section. In no event may the employee request a transfer of an amount
23 of leave that would result in his or her annual leave account going
24 below ten days. For purposes of this subsection (3)(a), annual leave
25 does not accrue if the employee receives compensation in lieu of
26 accumulating a balance of annual leave.
27 (b) An employee may transfer a specified amount of sick leave to an
28 employee requesting shared leave only when the donating employee
29 retains a minimum of (~~four hundred eighty~~) one hundred seventy-six
30 hours of sick leave after the transfer. (~~In no event may such an~~
31 ~~employee request a transfer of more than six days of sick leave during~~
32 ~~any twelve month period.~~)
33 (c) An employee may transfer, under the provisions of this section
34 relating to the transfer of leave, all or part of his or her personal
35 holiday, as that term is defined under RCW 1.16.050, or as such
36 holidays are provided to employees by agreement with a school
37 district's board of directors if the leave transferred under this

1 subsection does not exceed the amount of time provided for personal
2 holidays under RCW 1.16.050.

3 (4) An employee of an institution of higher education under RCW
4 28B.10.016, school district, or educational service district who does
5 not accrue annual leave but does accrue sick leave and who has an
6 accrued sick leave balance of more than (~~sixty~~) twenty-two days may
7 request that the head of the agency for which the employee works
8 transfer a specified amount of sick leave to another employee
9 authorized to receive leave under subsection (1) of this section. In
10 no event may such an employee (~~request a transfer of more than six~~
11 ~~days of sick leave during any twelve month period, or~~) request a
12 transfer that would result in his or her sick leave account going below
13 (~~sixty~~) twenty-two days. Transfers of sick leave under this
14 subsection are limited to transfers from employees who do not accrue
15 annual leave. Under this subsection, "sick leave" also includes leave
16 accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with
17 compensation for illness, injury, and emergencies.

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

20 (6) Leave transferred under this section may be transferred from
21 employees of one agency to an employee of the same agency or, with the
22 approval of the heads of both agencies, to an employee of another state
23 agency. However, leave transferred to or from employees of school
24 districts or educational service districts is limited to transfers to
25 or from employees within the same employing district.

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

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

35 (b) In the case of leave transferred by an employee of one agency
36 to an employee of another agency, the agencies involved shall arrange
37 for the transfer of funds and credit for the appropriate value of
38 leave.

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

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

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

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

15 (9) The value of any leave transferred under this section which
16 remains unused shall be returned at its original value to the employee
17 or employees who transferred the leave when the agency head finds that
18 the leave is no longer needed or will not be needed at a future time in
19 connection with the illness or injury for which the leave was
20 transferred. To the extent administratively feasible, the value of
21 unused leave which was transferred by more than one employee shall be
22 returned on a pro rata 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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