

HOUSE BILL REPORT

SB 6059

As Passed House - Amended:

March 2, 2006

Title: An act relating to sick leave pools for state employees.

Brief Description: Authorizing state agencies to create sick leave pools for employees.

Sponsors: By Senators Berkey, Haugen, McAuliffe, Franklin, Rockefeller, Schoesler, Eide, Weinstein, Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/15/06, 2/22/06 [DPA].

Floor Activity:

Passed House - Amended: 3/2/06, 95-2.

Brief Summary of Bill (As Amended by House)

- Requires the Department of Personnel and other personnel authorities to establish rules or policies to create a sick leave pool for state employees under their respective jurisdictions.
- Permits state agencies and departments to allow employees to participate in sick leave pools.
- Specifies that personnel authorities for higher education institutions are not required to adapt the sick leave pool rules enumerated in the act.
- Establishes that pooled sick leave is subject to the maximum amount of leave permitted under the Leave Sharing Program.
- Establishes an effective date of July 1, 2007.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Kathryn Leathers (786-7114).

Background:

In 1989, the Legislature enacted the Washington State Leave Sharing Program (Program) for state employees. Under the Program, the Washington Personnel Resources Board and other personnel authorities are required to adopt rules applicable to employees under their respective jurisdictions. The stated purpose of the Program is to permit state employees to donate annual leave, sick leave, or personal holidays to fellow state employees who are suffering from, or have relatives or household members who are suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition, or who have been called to military service, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

If an employee qualifies to participate in the Program, the agency head will determine the amount of leave, not to exceed 261 days, which the employee may receive. An employee may transfer annual leave, sick leave, and his or her personal holiday under certain circumstances, including:

- If an employee has an accrued annual leave balance of more than 10 days, the employee may transfer any specified amount of annual leave to an employee who is entitled to receive such leave, subject to the requirement that the donating employee must retain at least 10 days of accrued leave.
- An employee may transfer a specified amount of sick leave to an employee requesting shared leave, subject to the requirement that the donating employee must retain at least 176 hours of sick leave after the transfer.
- An employee may transfer all or part of the employee's personal holiday.

The Program defines an employee as any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

Summary of Amended Bill:

The Department of Personnel and other personnel authorities must establish rules or policies to create a sick leave pool for state employees under their respective jurisdictions, and state agencies and departments may permit employees to participate in such sick leave pools. Personnel authorities for higher education institutions are not required to adopt the sick leave pool rules enumerated in the act, but must, instead, adopt policies consistent with the needs of their employees to govern such sick leave pools.

For purposes of calculating maximum sick leave that may be donated or received by any one employee, pooled sick leave is counted and converted in the same manner as sick leave is counted and converted under the Leave Sharing Program. Sick leave pools do not create a right to sick leave in addition to the amount that may be donated or received under the Leave Sharing Program.

Employees are eligible to use the pooled sick leave if the employee has: (1) completed one year of employment; (2) accrued a minimum amount of unused sick leave, the amount to be established by rule; and (3) used all sick, annual, and compensatory leave that has personally accrued to him or her. Part-time employees may draw from the pool on a pro rata basis.

The rules adopted to govern a sick leave pool must provide certain provisions, including a maximum number of days of pooled sick leave that any one employee may use. Other required provisions include:

- An employee who uses sick leave from the pool is not required to re-contribute the sick leave used unless the employee is found to have abused or committed some wrongdoing related to the use of pooled sick leave.
- An employee who cancels his or her membership in the pool may not withdraw the days he or she contributed to the pool.
- An employee who transfers from one state job to another may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of sick leave credits.
- Alleged abuse of the use of the sick leave pool must be investigated.
- Accurate and reliable records showing the amount of sick leave accumulated and unused must be maintained.

The bill takes effect July 1, 2007.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect July 1, 2007.

Testimony For: This creates a voluntary system that helps employees who suffer from catastrophic illness protect their privacy. The privacy issue is very important to many employees.

Testimony Against: None.

Persons Testifying: Senator Berkey, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.