
**State Government Operations &
Accountability Committee**

SB 6059

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

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

Brief Summary of Bill

- Permits state agencies and departments to establish sick leave pools for employees.
- Requires those state agencies or departments that establish sick leave pools to adopt rules that include certain provisions related to eligibility, use, re-contribution, transferring to other sick leave pools, misuse of the system, and maintenance of records.

Hearing Date: 2/15/06

Staff: Kathryn Leathers (786-7114).

Background:

In 1989, the Legislature enacted the Washington State Leave Sharing Program (Program) for state employees. 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 Bill:

State agencies and departments may adopt rules to establish sick leave pools to be used by participating employees. Sick leave pools must be voluntary, and eligible employees may only use such leave for personal illness, accident, or injury.

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 by any state agency or department 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 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; and
- Accurate and reliable records showing the amount of sick leave accumulated and unused shall be maintained.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.