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HOUSE BILL 3073

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives McIntire, Nixon, Sommers, Haigh, Morrell, McDermott, Simpson, Hunt, Ericks and Schual-Berke

Read first time 01/19/2006. Referred to Committee on State Government Operations & Accountability.

1            AN ACT Relating to shared leave for declared emergencies; and  
2 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 2003 1st sp.s. c 12 s 3 are each amended  
5 to read as follows:

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

8            (a)(i) 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; (~~or~~)

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

13            (iii) The employee has been called to service to provide assistance  
14 in a declared federal or state emergency and that employee is  
15 professionally trained for a specific emergency service and is part of  
16 a unit deployed for the specific emergency service;

17            (b) The illness, injury, impairment, condition, or call to service  
18 has caused, or is likely to cause, the employee to:

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

1 (ii) Terminate state employment;

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

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

5 (i) Annual leave and sick leave reserves if he or she qualifies  
6 under (a)(i) of this subsection; or

7 (ii) Annual leave and paid military leave allowed under RCW  
8 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

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

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

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

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

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

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

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

32 (b) An employee may transfer a specified amount of sick leave to an  
33 employee requesting shared leave only when the donating employee  
34 retains a minimum of one hundred seventy-six hours of sick leave after  
35 the transfer.

36 (c) An employee may transfer, under the provisions of this section  
37 relating to the transfer of leave, all or part of his or her personal  
38 holiday, as that term is defined under RCW 1.16.050, or as such

1 holidays are provided to employees by agreement with a school  
2 district's board of directors if the leave transferred under this  
3 subsection does not exceed the amount of time provided for personal  
4 holidays under RCW 1.16.050.

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