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**SUBSTITUTE HOUSE BILL 2580**

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**State of Washington                      60th Legislature                      2008 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Hurst, McCoy, VanDeWege, Morrell, Campbell, and Roach)

READ FIRST TIME 02/11/08.

1            AN ACT Relating to paydates for employees participating in state  
2 active military duty; and amending RCW 42.16.010.

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

4            **Sec. 1.** RCW 42.16.010 and 2004 c 56 s 1 are each amended to read  
5 as follows:

6            (1) Except as provided otherwise in subsections (2) and (3) of this  
7 section, all state officers and employees shall be paid for services  
8 rendered from the first day of the month through the fifteenth day of  
9 the month and for services rendered from the sixteenth day of the month  
10 through the last calendar day of the month. Paydates for these two pay  
11 periods shall be established by the director of financial management  
12 through the administrative hearing process and the official paydates  
13 shall be established six months prior to the beginning of each  
14 subsequent calendar year. Under no circumstance shall the paydate be  
15 established more than ten days after the pay period in which the wages  
16 are earned except when the designated paydate falls on Sunday, in which  
17 case the paydate shall not be later than the following Monday. Payment  
18 shall be deemed to have been made by the established paydates if: (a)  
19 The salary warrant is available at the geographic work location at

1 which the warrant is normally available to the employee; or (b) the  
2 salary has been electronically transferred into the employee's account  
3 at the employee's designated financial institution; or (c) the salary  
4 warrants are mailed at least two days before the established paydate  
5 for those employees engaged in work in remote or varying locations from  
6 the geographic location at which the payroll is prepared, provided that  
7 the employee has requested payment by mail.

8 The office of financial management shall develop the necessary  
9 policies and operating procedures to assure that all remuneration for  
10 services rendered including basic salary, shift differential, standby  
11 pay, overtime, penalty pay, salary due based on contractual agreements,  
12 and special pay provisions, as provided for by law, Washington  
13 personnel resources board rules, agency policy or rule, or contract,  
14 shall be available to the employee on the designated paydate.  
15 Overtime, penalty pay, and special pay provisions may be paid by the  
16 next following paydate if the postponement of payment is attributable  
17 to: The employee's not making a timely or accurate report of the facts  
18 which are the basis for the payment, or the employer's lack of  
19 reasonable opportunity to verify the claim.

20 Compensable benefits payable because of separation from state  
21 service shall be paid with the earnings for the final period worked  
22 unless the employee separating has not provided the agency with the  
23 proper notification of intent to terminate.

24 One-half of the employee's basic monthly salary shall be paid in  
25 each pay period. Employees paid on an hourly basis or employees who  
26 work less than a full pay period shall be paid for actual salary  
27 earned.

28 (2) Subsection (1) of this section shall not apply in instances  
29 where it would conflict with contractual rights or, with the approval  
30 of the office of financial management, to short-term, intermittent,  
31 noncareer state employees, to student employees of institutions of  
32 higher education, to national or state guard members participating in  
33 state active duty, and to liquor control agency managers who are paid  
34 a percentage of monthly liquor sales.

35 (3) When a national or state guard member is called to participate  
36 in state active duty, the paydate shall be no more than seven days  
37 following completion of duty or the end of the pay period, whichever is  
38 first. When the seventh day falls on Sunday, the paydate shall not be

1 later than the following Monday. This subsection shall apply only to  
2 the pay a national or state guard member receives from the military  
3 department for state active duty.

4 (4) Notwithstanding subsections (1) and (2) of this section, a  
5 bargained contract at an institution of higher education may include a  
6 provision for paying part-time academic employees on a pay schedule  
7 that coincides with all the paydays used for full-time academic  
8 employees.

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