
HOUSE BILL 3081

State of Washington

61st Legislature

2010 Regular Session

By Representatives Seaquist, Angel, and Wallace

Read first time 01/22/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to allowing employees of a school district or
2 educational service district to share leave with employees in another
3 agency; and amending RCW 41.04.665.

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

5 **Sec. 1.** RCW 41.04.665 and 2008 c 36 s 3 are each amended to read
6 as follows:

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

9 (a)(i) The employee suffers from, or has a relative or household
10 member suffering from, an illness, injury, impairment, or physical or
11 mental condition which is of an extraordinary or severe nature;

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

14 (iii) A state of emergency has been declared anywhere within the
15 United States by the federal or any state government and the employee
16 has needed skills to assist in responding to the emergency or its
17 aftermath and volunteers his or her services to either a governmental
18 agency or to a nonprofit organization engaged in humanitarian relief in

1 the devastated area, and the governmental agency or nonprofit
2 organization accepts the employee's offer of volunteer services; or

3 (iv) The employee is a victim of domestic violence, sexual assault,
4 or stalking;

5 (b) The illness, injury, impairment, condition, call to service,
6 emergency volunteer service, or consequence of domestic violence,
7 sexual assault, or stalking has caused, or is likely to cause, the
8 employee to:

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

10 (ii) Terminate state employment;

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

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

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

16 (ii) Annual leave and paid military leave allowed under RCW
17 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

18 (iii) Annual leave if he or she qualifies under (a)(iii) or (iv) of
19 this subsection;

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

21 (i) Sick leave use if he or she qualifies under (a)(i) or (iv) of
22 this subsection; or

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

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

28 (2) The agency head shall determine the amount of leave, if any,
29 which an employee may receive under this section. However, an employee
30 shall not receive a total of more than two hundred sixty-one days of
31 leave, except that shared leave received under the uniformed service
32 shared leave pool in RCW 41.04.685 is not included in this total.

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

35 (a) An employee who has an accrued annual leave balance of more
36 than ten days may request that the head of the agency for which the
37 employee works transfer a specified amount of annual leave to another
38 employee authorized to receive leave under subsection (1) of this

1 section. In no event may the employee request a transfer of an amount
2 of leave that would result in his or her annual leave account going
3 below ten days. For purposes of this subsection (3)(a), annual leave
4 does not accrue if the employee receives compensation in lieu of
5 accumulating a balance of annual leave.

6 (b) An employee may transfer a specified amount of sick leave to an
7 employee requesting shared leave only when the donating employee
8 retains a minimum of one hundred seventy-six hours of sick leave after
9 the transfer.

10 (c) An employee may transfer, under the provisions of this section
11 relating to the transfer of leave, all or part of his or her personal
12 holiday, as that term is defined under RCW 1.16.050, or as such
13 holidays are provided to employees by agreement with a school
14 district's board of directors if the leave transferred under this
15 subsection does not exceed the amount of time provided for personal
16 holidays under RCW 1.16.050.

17 (4) An employee of an institution of higher education under RCW
18 28B.10.016, school district, or educational service district who does
19 not accrue annual leave but does accrue sick leave and who has an
20 accrued sick leave balance of more than twenty-two days may request
21 that the head of the agency for which the employee works transfer a
22 specified amount of sick leave to another employee authorized to
23 receive leave under subsection (1) of this section. In no event may
24 such an employee request a transfer that would result in his or her
25 sick leave account going below twenty-two days. Transfers of sick
26 leave under this subsection are limited to transfers from employees who
27 do not accrue annual leave. Under this subsection, "sick leave" also
28 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)
29 with compensation for illness, injury, and emergencies.

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

32 (6) Leave transferred under this section may be transferred from
33 employees of one agency to an employee of the same agency or, with the
34 approval of the heads of both agencies, to an employee of another state
35 agency. ~~((However, leave transferred to or from employees of school
36 districts or educational service districts is limited to transfers to
37 or from employees within the same employing district.))~~

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

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

10 (b) In the case of leave transferred by an employee of one agency
11 to an employee of another agency, the agencies involved shall arrange
12 for the transfer of funds and credit for the appropriate value of
13 leave.

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

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

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

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

28 (9) The value of any leave transferred under this section which
29 remains unused shall be returned at its original value to the employee
30 or employees who transferred the leave when the agency head finds that
31 the leave is no longer needed or will not be needed at a future time in
32 connection with the illness or injury for which the leave was
33 transferred or for any other qualifying condition. Before the agency
34 head makes a determination to return unused leave in connection with an
35 illness or injury, or any other qualifying condition, he or she must
36 receive from the affected employee a statement from the employee's
37 doctor verifying that the illness or injury is resolved. To the extent

1 administratively feasible, the value of unused leave which was
2 transferred by more than one employee shall be returned on a pro rata
3 basis.

4 (10) An employee who uses leave that is transferred to him or her
5 under this section may not be required to repay the value of the leave
6 that he or she used.

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