

# SENATE BILL REPORT

## HB 2557

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As Reported by Senate Committee On:  
Government Operations & Security, February 22, 2016

**Title:** An act relating to the return of unused shared leave.

**Brief Description:** Addressing the return of unused shared leave.

**Sponsors:** Representatives S. Hunt and Reykdal.

**Brief History:** Passed House: 2/11/16, 96-0.

**Committee Activity:** Government Operations & Security: 2/18/16, 2/22/16 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib and McCoy.

**Staff:** Karen Epps (786-7424)

**Background:** In 1989, the Legislature established a leave-sharing program for state and school district employees. The leave-sharing program allows employees who have exhausted their accrued sick, annual, or military leave to use additional paid leave donated by their colleagues under certain qualifying circumstances.

An employee may benefit from the leave-sharing program if he or she suffers from personal illness or injury; is caring for a sick or injured family or household member; is the victim of domestic violence, sexual assault, or stalking; has been called into military service; or is responding in service to a devastated area in a declared emergency or aftermath. In order to qualify for the leave program, one of these circumstances must have caused or is likely to cause the employee to go on leave-without-pay status or termination of employment.

The amount of shared leave an employee may receive is determined by the agency head and may not exceed the requested amount, up to a maximum of 522 days unless extraordinary circumstances apply.

If donated leave is unused and is no longer needed by the employee, the unused leave will be returned to the donor. In order to return unused leave, the agency head must determine that the leave is no longer needed or will not be needed in the future in connection to the original

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or any other qualifying condition. Before making a determination to return unused leave donated due to an illness or injury, the agency head must receive a statement from the affected employee's doctor verifying that the illness or injury is resolved.

**Summary of Bill:** Unused shared leave may not be returned until:

- the agency head receives a statement from the employee's doctor that the illness or injury is resolved; or
- the employee is released to full-time employment, has not received medical treatment for a qualifying condition for at least six months, and the employee's doctor has declined the employee's request for a statement indicating the employee's condition has been resolved.

If a shared leave account is closed and the employee later has a need to use shared leave due to the same condition, the agency head must approve a new shared leave request for the employee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill addresses a problem with shared leave for returning unused shared leave and for an employee to use shared leave again if there is a recurrence. Under current law, it is very difficult for a doctor to sign off that a person's illness has ended and that there will be no more need for shared leave. Additionally, if someone has cancer and they think the cancer has been cured and the doctor says that the shared leave can be returned, there is no avenue if the person suffers a recurrence of the cancer and needs shared leave again. This bill sets up a process for shared leave to be returned if someone thinks they are well enough to return to work, but then also allows for shared leave if there is a recurrence or another situation for which someone needs shared leave.

**Persons Testifying:** PRO: Representative Hunt, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.