

# FINAL BILL REPORT

## HB 2739

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Synopsis as Enacted

**Brief Description:** Adjusting certain requirements of the shared leave program.

**Sponsors:** Representatives Kloba, Stonier, Appleton, Davis and Duerr.

**House Committee on State Government & Tribal Relations**

**House Committee on Appropriations**

**Senate Committee on State Government, Tribal Relations & Elections**

### **Background:**

#### Shared Leave Program.

The shared leave program permits state employees to provide annual leave, sick leave, or personal holidays to fellow employees experiencing certain circumstances that may cause them to take leave without pay or terminate their employment. Covered employees include those employed by school districts and educational service districts.

Agency heads may permit an employee to receive shared leave in specified circumstances, including when the employee, or a relative or household member of the employee, suffers from an extraordinary or severe illness, injury, impairment, or physical or mental condition. To qualify for shared leave under this condition, an employee must have depleted or will shortly deplete his or her annual leave and sick leave reserves. The Office of Financial Management and the Superintendent of Public Instruction administer rules that implement the shared leave program, including the requirement that employees must first use all of certain types of leave before using shared leave.

Within certain parameters, agency heads determine the amount of leave, if any, an employee may receive. Any unused leave is returned at its original value to the employee or employees who transferred the leave when the agency head finds the leave is no longer needed or will not be needed at a future time in connection with the underlying condition. Unused leave may not be returned until certain conditions are met.

#### Industrial Insurance.

Industrial insurance provides partial wage replacement benefits to workers injured in the course of their employment in the form of monthly temporary time-loss or permanent total

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disability benefits. The amount of benefits is based on the worker's preinjury wages and depends on the worker's marital status and number of children. Employees must diligently pursue and be found ineligible for industrial insurance wage benefits to be eligible for shared leave.

COVID-19 Proclamation.

On February 29, 2020, the Governor issued a proclamation declaring a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and the confirmed person-to-person spread of COVID-19 in Washington.

**Summary:**

For purposes of the shared leave program, "shortly deplete" means that an employee has 40 hours or less of applicable leave. An employee may maintain up to 40 hours of applicable leave in reserve and may not be required to deplete all leave to qualify for shared leave. Agency heads may not prevent state employees from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned.

An agency head may grant shared leave to an employee without regard to other shared leave requirements if the employee or a relative or household member is isolated or quarantined due to COVID-19. This type of shared leave may be granted until the Governor's COVID-19 State of Emergency declaration, or any amendments thereto, expires.

The requirement that an employee diligently pursue and be found ineligible for industrial insurance wage replacement benefits is removed. An employee receiving wage replacement benefits may not receive more than 25 percent of base salary as a result of receiving shared leave.

**Votes on Final Passage:**

House	96	1	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate receded/amended)
House	97	0	(House concurred)

**Effective:** June 11, 2020  
March 17, 2020 (Section 2)