

---

HOUSE BILL 2304

---

State of Washington

66th Legislature

2020 Regular Session

By Representatives Doglio, Dolan, Sells, and Volz

Prefiled 01/07/20. Read first time 01/13/20. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to shared leave and industrial insurance  
2 benefits; and 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 2019 c 64 s 17 are each amended to  
5 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;

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

13 (iii) The employee is a current member of the uniformed services  
14 or is a veteran as defined under RCW 41.04.005, and is attending  
15 medical appointments or treatments for a service connected injury or  
16 disability;

17 (iv) The employee is a spouse of a current member of the  
18 uniformed services or a veteran as defined under RCW 41.04.005, who  
19 is attending medical appointments or treatments for a service  
20 connected injury or disability and requires assistance while  
21 attending appointment or treatment;

1 (v) A state of emergency has been declared anywhere within the  
2 United States by the federal or any state government and the employee  
3 has needed skills to assist in responding to the emergency or its  
4 aftermath and volunteers his or her services to either a governmental  
5 agency or to a nonprofit organization engaged in humanitarian relief  
6 in the devastated area, and the governmental agency or nonprofit  
7 organization accepts the employee's offer of volunteer services;

8 (vi) The employee is a victim of domestic violence, sexual  
9 assault, or stalking;

10 (vii) The employee needs the time for parental leave; or

11 (viii) The employee is sick or temporarily disabled because of  
12 pregnancy disability;

13 (b) The illness, injury, impairment, condition, call to service,  
14 emergency volunteer service, or consequence of domestic violence,  
15 sexual assault, temporary layoff under section 3(5), chapter 32, Laws  
16 of 2010 1st sp. sess., or stalking has caused, or is likely to cause,  
17 the employee to:

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

19 (ii) Terminate state employment;

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

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

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

25 (ii) Annual leave and paid military leave allowed under RCW  
26 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

27 (iii) Annual leave if he or she qualifies under (a)(v) or (vi)  
28 of this subsection; or

29 (iv) Annual leave and sick leave reserves if the employee  
30 qualifies under (a)(vii) or (viii) of this subsection. However, the  
31 employee is not required to deplete all of his or her annual leave  
32 and sick leave and can maintain up to forty hours of annual leave and  
33 forty hours of sick leave in reserve; and

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

35 (i) Sick leave use if he or she qualifies under (a)(i), (vi),  
36 (vii), or (viii) of this subsection; or

37 (ii) Military leave if he or she qualifies under (a)(ii) of this  
38 subsection(~~;~~and

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

4 (2) (a) The agency head shall determine the amount of leave, if  
5 any, which an employee may receive under this section. However, an  
6 employee shall not receive a total of more than five hundred twenty-  
7 two days of leave, except that, a supervisor may authorize leave in  
8 excess of five hundred twenty-two days in extraordinary circumstances  
9 for an employee qualifying for the shared leave program because he or  
10 she is suffering from an illness, injury, impairment, or physical or  
11 mental condition which is of an extraordinary or severe nature.  
12 Shared leave received under the uniformed service shared leave pool  
13 in RCW 41.04.685 is not included in this total.

14 (b) An employee receiving industrial insurance wage replacement  
15 benefits may not receive greater than one hundred percent of his or  
16 her base salary as a result of the receipt of shared leave under this  
17 section.

18 (3) The agency head must allow employees who are veterans, as  
19 defined under RCW 41.04.005, and their spouses, to access shared  
20 leave from the veterans' in-state service shared leave pool upon  
21 employment.

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

24 (a) An employee who has an accrued annual leave balance of more  
25 than ten days may request that the head of the agency for which the  
26 employee works transfer a specified amount of annual leave to another  
27 employee authorized to receive leave under subsection (1) of this  
28 section. In no event may the employee request a transfer of an amount  
29 of leave that would result in his or her annual leave account going  
30 below ten days. For purposes of this subsection (4) (a), annual leave  
31 does not accrue if the employee receives compensation in lieu of  
32 accumulating a balance of annual leave.

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

37 (c) An employee may transfer, under the provisions of this  
38 section relating to the transfer of leave, all or part of his or her  
39 personal holiday, as that term is defined under RCW 1.16.050, or as  
40 such holidays are provided to employees by agreement with a school

1 district's board of directors if the leave transferred under this  
2 subsection does not exceed the amount of time provided for personal  
3 holidays under RCW 1.16.050.

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

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

20 (7) Leave transferred under this section may be transferred from  
21 employees of one agency to an employee of the same agency or, with  
22 the approval of the heads of both agencies, to an employee of another  
23 state agency.

24 (8) While an employee is on leave transferred under this section,  
25 he or she shall continue to be classified as a state employee and  
26 shall receive the same treatment in respect to salary, wages, and  
27 employee benefits as the employee would normally receive if using  
28 accrued annual leave or sick leave.

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

33 (b) In the case of leave transferred by an employee of one agency  
34 to an employee of another agency, the agencies involved shall arrange  
35 for the transfer of funds and credit for the appropriate value of  
36 leave.

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

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

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

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

12 (10)(a) The value of any leave transferred under this section  
13 which remains unused shall be returned at its original value to the  
14 employee or employees who transferred the leave when the agency head  
15 finds that the leave is no longer needed or will not be needed at a  
16 future time in connection with the illness or injury for which the  
17 leave was transferred or for any other qualifying condition. Unused  
18 shared leave may not be returned until one of the following occurs:

19 (i) The agency head receives from the affected employee a  
20 statement from the employee's doctor verifying that the illness or  
21 injury is resolved; or

22 (ii) The employee is released to full-time employment; has not  
23 received additional medical treatment for his or her current  
24 condition or any other qualifying condition for at least six months;  
25 and the employee's doctor has declined, in writing, the employee's  
26 request for a statement indicating the employee's condition has been  
27 resolved.

28 (b) If a shared leave account is closed and an employee later has  
29 a need to use shared leave due to the same condition listed in the  
30 closed account, the agency head must approve a new shared leave  
31 request for the employee.

32 (c) To the extent administratively feasible, the value of unused  
33 leave which was transferred by more than one employee shall be  
34 returned on a pro rata basis.

35 (11) An employee who uses leave that is transferred to him or her  
36 under this section may not be required to repay the value of the  
37 leave that he or she used.

1           (12) The director of financial management may adopt rules as  
2 necessary to implement subsection (2) of this section.

--- **END** ---