
SUBSTITUTE HOUSE BILL 2283

State of Washington

68th Legislature

2024 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Volz, Rule, Senn, Davis, Ramel, Bronoske, Low, Schmidt, Doglio, Ormsby, Riccelli, Chapman, and Timmons)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to allowing state employees living in an
2 emergency or disaster area to receive shared leave; and adding a new
3 section to chapter 41.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04
6 RCW to read as follows:

7 (1) The major disaster shared leave pool is created to allow
8 employees to donate leave to be used as shared leave for any employee
9 who is adversely affected by a major disaster. For purposes of this
10 section, "adversely affected" means the major disaster has caused
11 severe hardship to the employee or a family member of the employee
12 that requires the employee to be absent from work.

13 (2) Participation in the pool shall, at all times, be voluntary
14 on the part of the employee. The military department, in consultation
15 with the office of financial management, shall administer the major
16 disaster shared leave pool. Employees may donate leave only to the
17 pool and not to a specific leave recipient.

18 (3) Leave deposited on account of one major disaster may be used
19 only for employees affected by that major disaster. Except for an
20 amount so small as to make accounting for it unreasonable or
21 administratively impracticable, any leave deposited to the major

1 disaster shared leave pool that is not used by leave recipients by
2 the end of the period specified in subsection (4) of this section
3 must be returned within a reasonable period of time to any leave
4 donors who are still employed by the employer so that the donor will
5 be able to use the leave. The amount of leave returned to each leave
6 donor must be in the same proportion as the amount of leave donated
7 by the leave donor bears to the total amount of leave donated on
8 account of that major disaster. Each leave recipient must use this
9 leave for purposes related to the major disaster.

10 (4) Agency heads must make a reasonable determination based on
11 the severity of the disaster: (a) Whether and how much donated leave
12 each approved recipient may receive; and (b) the period of time for
13 which donated leave may be accepted for distribution to approved
14 emergency leave recipients, and during which a leave recipient must
15 use the leave received from the leave bank.

16 (5) Employees who are eligible to donate leave under RCW
17 41.04.665 may donate leave to the major disaster shared leave pool.

18 (6) An employee as defined in RCW 41.04.655 who has been
19 adversely affected by a major disaster may request shared leave from
20 the major disaster shared leave pool.

21 (7) Shared leave under this section may not be granted unless the
22 pool has a sufficient balance to fund the requested shared leave for
23 the expected term of service.

24 (8) Shared leave paid under this section must not exceed the
25 level of the employee's state monthly salary.

26 (9) The amount of leave donated by an employee during a calendar
27 year may not exceed the maximum amount of leave accrued by the
28 donating employee during that year.

29 (10) Any leave donated must be removed from the personally
30 accumulated leave balance of the employee donating the leave.

31 (11) An employee who receives shared leave from the pool is not
32 required to recontribute such leave to the pool, except as otherwise
33 provided in this section.

34 (12) Leave that may be donated or received by any one employee
35 shall be calculated as in RCW 41.04.665.

36 (13) As used in this section:

37 (a) "Employee" has the meaning provided in RCW 41.04.655, except
38 that "employee" as used in this section does not include employees of
39 school districts and educational service districts.

1 (b) "Major disaster" means: (i) A major disaster as declared by
2 the president under section 401 of the Stafford act, 42 U.S.C. Sec.
3 5170, that warrants individual assistance or individual and public
4 assistance from the federal government under that act; or (ii) a
5 major disaster or emergency as declared by the president pursuant to
6 5 U.S.C. Sec. 6391, in the case of employees described in that
7 statute.

8 (c) "Monthly salary" includes monthly salary and special pay and
9 shift differential, or the monthly equivalent for hourly employees.

10 "Monthly salary" does not include:

- 11 (i) Overtime pay;
- 12 (ii) Call back pay;
- 13 (iii) Standby pay; or
- 14 (iv) Performance bonuses.

15 (14) The office of financial management, in consultation with the
16 military department, shall adopt rules and policies governing the
17 donation and use of shared leave from the major disaster shared leave
18 pool, including definitions of pay and allowances and guidelines for
19 agencies to use in recordkeeping concerning shared leave.

20 (15) Agencies must investigate any alleged abuse of the major
21 disaster shared leave pool and on a finding of wrongdoing, the
22 employee may be required to repay all of the shared leave received
23 from the major disaster shared leave pool.

24 (16) Higher education institutions shall adopt policies
25 consistent with the needs of the employees under their respective
26 jurisdictions.

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