
SUBSTITUTE HOUSE BILL 1044

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on State Government (originally sponsored by Representatives Fraser, Anderson, Basich, R. Meyers, Kremen, Pruitt and Winsley).

Read first time February 15, 1991.

1 AN ACT Relating to shared leave; and amending RCW 41.04.665.

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

3 **Sec. 1.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read
4 as follows:

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

7 (a) The employee suffers from, or has a relative or household
8 member suffering from, an illness, injury, impairment, or physical or
9 mental condition which is of an extraordinary or severe nature and
10 which has caused, or is likely to cause, the employee to:

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

12 (ii) Terminate state employment;

13 (b) The employee's absence and the use of shared leave are
14 justified;

1 (c) The employee has depleted or will shortly deplete his or her
2 annual leave and sick leave reserves;

3 (d) The employee has abided by agency rules regarding sick leave
4 use; and

5 (e) The employee has diligently pursued and been found to be
6 ineligible for benefits under chapter 51.32 RCW.

7 (2) The agency head shall determine the amount of leave, if any,
8 which an employee may receive under this section. However, an employee
9 shall not receive a total of more than two hundred sixty-one days of
10 leave.

11 (3) An employee who has ~~((an))~~ accrued an annual leave balance of
12 more than ten days or sick leave balance of more than sixty days may
13 request that the head of the agency for which the employee works
14 transfer a specified amount of ~~((annual))~~ leave to another employee
15 authorized to receive leave under subsection (1) of this section. In
16 no event may the employee request a transfer of an amount of leave that
17 would result in his or her annual leave account going below ten days.
18 In no event may an employee request a transfer of more than six days of
19 sick leave during any twelve month period, or request a transfer that
20 would result in his or her sick leave account going below sixty days.

21 (4) An employee of a community college, school district, or
22 educational service district who ~~((does not accrue annual leave but))~~
23 does accrue sick leave and who has an accrued sick leave balance of
24 more than sixty days may request that the head of the agency for which
25 the employee works transfer a specified amount of sick leave to another
26 employee authorized to receive leave under subsection (1) of this
27 section. In no event may such an employee request a transfer of more
28 than six days of sick leave during any twelve month period, or request
29 a transfer that would result in his or her sick leave account going
30 below sixty days. ~~((Transfers of sick leave under this subsection are~~

1 ~~limited to transfers from employees who do not accrue annual leave.))~~
2 Under this subsection, "sick leave" also includes leave accrued
3 pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for
4 illness, injury, and emergencies.

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

7 (6) Leave transferred under this section may be transferred from
8 employees of one agency to an employee of the same agency or, with the
9 approval of the heads of both agencies, to an employee of another state
10 agency. However, leave transferred to or from employees of school
11 districts or educational service districts is limited to transfers to
12 or from employees within the same employing district.

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

18 (a) All salary and wage payments made to employees while on leave
19 transferred under this section shall be made by the agency employing
20 the person receiving the leave. The value of leave transferred shall
21 be based upon either the annual leave value or the sick leave value of
22 the person receiving the leave.

23 (b) In the case of leave transferred by an employee of one agency
24 to an employee of another agency, the agencies involved shall arrange
25 for the transfer of funds and credit for the appropriate value of
26 leave.

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

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

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

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

11 (9) The value of any leave transferred under this section which
12 remains unused shall be returned at its original value to the employee
13 or employees who transferred the leave when the agency head finds that
14 the leave is no longer needed or will not be needed at a future time in
15 connection with the illness or injury for which the leave was
16 transferred. To the extent administratively feasible, the value of
17 unused leave which was transferred by more than one employee shall be
18 returned on a pro rata basis.