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SENATE BILL 5826

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Conway, Hobbs, Litzow, Rolfes, Dammeier, Eide, Kohl-  
Welles, and Kline

Read first time 02/20/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to the shared leave pool; and amending RCW  
2 41.04.685.

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

4 **Sec. 1.** RCW 41.04.685 and 2011 1st sp.s. c 43 s 438 are each  
5 amended to read as follows:

6 (1) The uniformed service shared leave pool is created to allow  
7 employees to donate leave to be used as shared leave for any employee  
8 who has been called to service in the uniformed services and who meets  
9 the requirements of RCW 41.04.665. Participation in the pool shall, at  
10 all times, be voluntary on the part of the employee. The military  
11 department, in consultation with the office of financial management,  
12 shall administer the uniformed service shared leave pool.

13 (2) Employees as defined in subsection (10) of this section who are  
14 eligible to donate leave under RCW 41.04.665 may donate leave to the  
15 uniformed service shared leave pool.

16 (3) An employee as defined in subsection (10) of this section who  
17 has been called to service in the uniformed services and is eligible  
18 for shared leave under RCW 41.04.665 may request shared leave from the  
19 uniformed service shared leave pool.

1 (4) It shall be the responsibility of the employee who has been  
2 called to service to provide an earnings statement verifying military  
3 salary, orders of service, and notification of a change in orders of  
4 service or military salary.

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

8 (6) Shared leave paid under this section, in combination with  
9 military salary, shall not exceed the level of the employee's state  
10 monthly salary.

11 (7) Any leave donated shall be removed from the personally  
12 accumulated leave balance of the employee donating the leave.

13 (8) An employee who receives shared leave from the pool is not  
14 required to recontribute such leave to the pool, except as otherwise  
15 provided in this section.

16 (9) Leave that may be donated or received by any one employee shall  
17 be calculated as in RCW 41.04.665.

18 (10) As used in this section:

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

22 (b) "Service in the uniformed services" has the meaning provided in  
23 RCW 41.04.655.

24 (c) "Military salary" includes base, specialty, and other pay, but  
25 does not include allowances such as the basic allowance for housing.

26 (d) "Monthly salary" includes monthly salary and special pay and  
27 shift differential, or the monthly equivalent for hourly employees.

28 "Monthly salary" does not include:

29 (i) Overtime pay;

30 (ii) Call back pay;

31 (iii) Standby pay; or

32 (iv) Performance bonuses.

33 (11) The office of financial management, in consultation with the  
34 military department, shall adopt rules and policies governing the  
35 donation and use of shared leave from the uniformed service shared  
36 leave pool, including definitions of pay and allowances and guidelines  
37 for agencies to use in recordkeeping concerning shared leave.

1           (12) Agencies shall investigate any alleged abuse of the uniformed  
2 service shared leave pool and on a finding of wrongdoing, the employee  
3 may be required to repay all of the shared leave received from the  
4 uniformed service shared leave pool.

5           (13) Higher education institutions shall adopt policies consistent  
6 with the needs of the employees under their respective jurisdictions.

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