

HB 1992 -- Redline

Substitute to Bill -- Concerning vacation leave accrual for public employees.

Deletions ~~struck~~ · Insertions underlined

~~H-2541.1~~ H-2054.1 ~~SUBSTITUTE~~ HOUSE BILL 1992 State of Washington 67th Legislature 2022 Regular Session By ~~House Labor & Workplace Standards (originally sponsored by~~ Representatives Bateman, Leavitt, Berry, Macri, Frame, Pollet, Bronoske, Taylor, Valdez, Slatter, Kloba, and ~~MacEwen)~~ MacEwen ~~READ~~ Read ~~FIRST~~ first ~~TIME~~ time ~~02/03/22~~ 01/14/22.

Referred to Committee on Labor & Workplace Standards.

amending RCW 43.01.044, 41.32.010, 41.40.010, 43.43.120, and ~~43.43.120~~ 28A.400.300;

1 ~~SHB~~ HB 1992 to not less than eight hours of vacation leave with full pay for each month of employment.

2 ~~SHB~~ HB 1992 As an alternative, in addition to the provisions of RCW 43.01.040 authorizing the accumulation of vacation leave in excess of ((two hundred forty)) 280 hours with the filing of a statement of necessity, vacation leave in excess of ((two hundred forty)) 280 hours may also be accumulated as provided in this section but without the filing of a statement of necessity.

3 ~~SHB~~ HB 1992 (1)(a) "Accumulated contributions" for plan 1 members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

4 ~~SHB~~ HB 1992 (12) "Director" means the director of the department.

5 ~~SHB~~ HB 1992 earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345.

6 ~~SHB~~ HB 1992 (ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

7 ~~SHB~~ HB 1992 (b) "Eligible position" for plan 2 and plan 3 on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

8 ~~SHB~~ HB 1992 (22) "Index B" means the index for the year prior to index A.

9 ~~SHB~~ HB 1992 first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

10 ~~SHB~~ HB 1992 that do not constitute a commitment to reemploy the employee after retirement are not an agreement under this section.

11 ~~SHB~~ HB 1992 earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve-month period;

12 ~~SHB~~ HB 1992 (C) Twenty-two days equals one service credit month;

13 ~~SHB~~ HB 1992 instruction;

14 ~~SHB~~ HB 1992 (i) Any compensation forgone by the member during the 2009-2011 fiscal biennium as a result of reduced work hours, voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary furloughs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer;

15 ~~SHB~~ HB 1992 which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

16 ~~SHB~~ HB 1992 (i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

17 ~~SHB~~ HB 1992 "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

18 ~~SHB~~ HB 1992 (14) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

19 ~~SHB~~ HB 1992 (d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

20 ~~SHB~~ HB 1992 retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

21 ~~SHB~~HB 1992 the same employer following termination.

22 ~~SHB~~HB 1992 (A) Less than twenty-two days equals one-quarter service credit month;

23 ~~SHB~~HB 1992 credit month during any calendar month in which multiple service for ninety or more hours is rendered.

24 ~~SHB~~HB 1992 Sec.

25 ~~SHB~~HB 1992 (iii) Any compensation forgone by a member during the 2019-2021 and 2021-2023 fiscal biennia as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the chief.

26 ~~SHB~~HB 1992 (13) "Lieutenant governor" means the lieutenant governor of the state of Washington.

27 ~~SHB~~HB 1992 unused accumulated annual leave, holiday pay, or any form of severance pay.

~~NEW SECTION-~~

~~ARCW new~~28A.400.300 ~~section and is~~2019 ~~added c to~~266 ~~chapters~~ 28A.400.19 ~~RCW~~are each amended to read as follows:

~~28 SHBHB 1992 During(1) aEvery publicboard health emergency where a presidential or gubernatorial declaration of emergencydirectors, includesunless allotherwise orspecially relevantprovided areasby oflaw, theshall: state of Washington, each school district in the affected area shall establish a pool of paid leave that will be available to staff who become ill or need to quarantine and who have limited leave balances, with priority given to those with 10 days or less of available leave.~~

(a) Except as provided in subsection (3) of this section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe.

However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ten days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year;

provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration;

after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this ((proviso)) section not taken shall accumulate from year to year ((up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year)).

Such accumulated time may be taken at any time during the school year or ((up to twelve days per year)) may be used for the purpose of payments for unused sick leave in accordance with RCW 28A.400.210;

D.

29 HB 1992 (vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position.

However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another.

If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229.

D.

30 HB 1992 NEW SECTION.

Sec.

8.

A new section is added to chapter 28A.400 RCW to read as follows:

During a public health emergency where a presidential or gubernatorial declaration of emergency includes all or relevant areas of the state of Washington, each school district in the affected area shall establish a pool of paid emergency leave that will be available to staff who become ill or need to quarantine and who have limited sick leave balances, with priority given to those with 10 days or less of available sick leave.

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