

**ADOPTED ON A PERMANENT BASIS, EFFECTIVE JUNE 15, 2010**

**Staff note:** ESSB 6724 was passed and signed by the Governor on March 23, 2010. This bill expands the total number of days a state employee can receive in shared leave from 261 days to 522 days. The bill also adds language to RCW 41.04.665 which says the employer may authorize leave in excess of 522 days in extraordinary circumstances. Language was also removed from the law which said "leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district." Therefore, employees of school districts or educational service districts are authorized to share leave with employees in other state agencies. The effective date of this bill was March 23, 2010.

**WAC 357-31-400 How much shared leave may an employee receive?** The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than ~~((two hundred sixty-one))~~ five hundred twenty-two days of shared leave during total state employment ~~((and))~~. An employer may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for shared leave because they are suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. A nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the expected end date of the appointment. Leave used under the sick leave pool program, as described in WAC 357-31-570, is included in the ~~((two hundred sixty-one))~~ five hundred twenty-two day limit.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

**WAC 357-31-675 Is shared leave received under the uniformed service shared leave pool included in the ~~((two hundred sixty-one day total))~~ shared leave limits specified in RCW 41.04.665?** Shared leave received under the uniformed service shared leave pool is not included in the ~~((two hundred sixty-one))~~ five hundred twenty-two day total specified in RCW 41.04.665.

**WAC 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, ~~((or))~~ related higher education boards, educational service districts, or school districts?** Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer, educational service district, or an employee of a school district.

**ADOPTED ON A PERMANENT BASIS, EFFECTIVE JUNE 15, 2010**

**Staff note:** SHB 2403 changes RCW 38.40.060 to reflect that employees are eligible for 21 days paid military leave for all required military duty (removes the reference to "active" military duty). Language is also added which says employees shall be charged military leave only for days that he or she is scheduled to work. These changes become effective June 10, 2010.

**WAC 357-31-360 Must employees who have been ordered to ~~((active))~~ required military duty ~~((or active training duty))~~, training, or drills be granted paid military leave?** (1) Employees must be granted military leave with pay not to exceed twenty-one working days during each year, beginning October 1st and ending the following September 30th, in order to report for ~~((active))~~ required military duty ~~((or to take part in active))~~, training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States, or to report for drills including those in the National Guard under Title 10 U.S.C., or state active status. The employee is charged military leave only for the days that they are scheduled to work.

(2) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

(3) During paid military leave, the employee must receive the normal base salary.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

**ADOPTED ON A PERMANENT BASIS, EFFECTIVE JUNE 15, 2010**

**Staff note:** SB 6540 Transfers all powers, duties, and functions of the department of personnel relating to the combined fund drive (CFD) to the secretary of state. This bill is effective June 10, 2010. The proposed changes below repeal references to the CFD from Title 357 WAC.

**REPEAL - Chapter 357-55 WAC Combined Fund Drive**

**WAC 357-58-050 What chapters of civil service rules apply to WMS positions?** Other chapters of civil service rules do not apply to WMS positions or employees except for the chapters listed below. If a WMS issue is identified that the director of the department of personnel has not specifically addressed in the adoption of the WMS rules, the other civil service rules do not apply or take precedence in addressing the issue.

Except where specifically stated otherwise, the following chapters apply to positions or employees included in the WMS.

WAC 357-04 General provisions

WAC 357-07 Public records

WAC 357-22 Personnel files

WAC 357-25 Affirmative action program

WAC 357-26 Reasonable accommodation

WAC 357-31 Leave

WAC 357-34 Employee training and development

WAC 357-37 Performance management

WAC 357-40 Discipline

WAC 357-43 Employee business units

WAC 357-52 Appeals

~~WAC 357-55 Combined fund drive~~