
SENATE BILL 5479

State of Washington

65th Legislature

2017 Regular Session

By Senators Saldaña, Miloscia, Hasegawa, Chase, Hunt, Darneille, Ranker, Conway, Wellman, Cleveland, Keiser, Carlyle, Liias, Kuderer, and Pedersen

1 AN ACT Relating to establishing a shared parental leave program;
2 amending RCW 41.04.655; adding a new section to chapter 41.04 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that allowing
6 spouses and domestic partners to share leave for the purposes of
7 caring for a child whose illness does not meet the criteria for the
8 shared leave program, or for maternity or paternity leave, would aid
9 in the physical, financial, and psychological welfare of both
10 children and working parents. The legislature further finds a family
11 focused shared leave policy may provide the opportunity to diversify
12 the workforce for parents who otherwise struggle to balance family
13 and work responsibilities. Therefore, the legislature intends to
14 allow spouses and domestic partners to share leave balances in order
15 to care for children.

16 **Sec. 2.** RCW 41.04.655 and 2008 c 36 s 1 are each amended to read
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout RCW 41.04.650 through 41.04.670,

1 28A.400.380, section 3 of this act, and section 7, chapter 93, Laws
2 of 1989.

3 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, between family or household members as defined in
6 RCW 26.50.010; (b) sexual assault of one family or household member
7 by another family or household member; or (c) stalking as defined in
8 RCW 9A.46.110 of one family or household member by another family or
9 household member.

10 (2) "Employee" means any employee of the state, including
11 employees of school districts and educational service districts, who
12 are entitled to accrue sick leave or annual leave and for whom
13 accurate leave records are maintained.

14 (3) "Program" means the leave sharing program established in RCW
15 41.04.660.

16 (4) "Service in the uniformed services" means the performance of
17 duty on a voluntary or involuntary basis in a uniformed service under
18 competent authority and includes active duty, active duty for
19 training, initial active duty for training, inactive duty training,
20 full-time national guard duty including state-ordered active duty,
21 and a period for which a person is absent from a position of
22 employment for the purpose of an examination to determine the fitness
23 of the person to perform any such duty.

24 (5) "Sexual assault" has the same meaning as set forth in RCW
25 70.125.030.

26 (6) "Stalking" has the same meaning as set forth in RCW
27 9A.46.110.

28 (7) "State agency" or "agency" means departments, offices,
29 agencies, or institutions of state government, the legislature,
30 institutions of higher education, school districts, and educational
31 service districts.

32 (8) "Uniformed services" means the armed forces, the army
33 national guard, and the air national guard of any state, territory,
34 commonwealth, possession, or district when engaged in active duty for
35 training, inactive duty training, full-time national guard duty, or
36 state active duty, the commissioned corps of the public health
37 service, the coast guard, and any other category of persons
38 designated by the president of the United States in time of war or
39 national emergency.

1 (9) "Victim" means a person against whom domestic violence,
2 sexual assault, or stalking has been committed as defined in this
3 section.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.04
5 RCW to read as follows:

6 (1) The Washington state parental leave sharing program is hereby
7 created. The purpose of the program is to permit state employees, at
8 no significantly increased cost to the state, to provide annual
9 leave, sick leave, or personal holidays to their spouse or domestic
10 partner who both work for the state to share leave for the purposes
11 of child care.

12 (2) An agency head may permit an employee to receive shared
13 parental leave from the employee's spouse or registered domestic
14 partner for child care, and maternity leave or paternity leave
15 following the birth or placement of a child. For the purposes of the
16 parental leave sharing program child care includes but is not limited
17 to maternity leave and paternity leave following the birth or
18 placement of a child.

19 (3) The agency head shall determine the amount of leave, if any,
20 that an employee may receive under this section.

21 (4) An employee may transfer annual leave, sick leave, and his or
22 her personal holiday, to his or her spouse or registered domestic
23 partner.

24 (5) Leave transferred under this section may be transferred from
25 employees of one agency to an employee of the same agency or, with
26 the approval of the heads of both agencies, to an employee of another
27 state agency.

28 (6) While an employee is on leave transferred under this section,
29 he or she shall continue to be classified as a state employee and
30 shall receive the same treatment in respect to salary, wages, and
31 employee benefits as the employee would normally receive if using
32 accrued annual leave or sick leave.

33 (a) All salary and wage payments made to employees while on leave
34 transferred under this section shall be made by the agency employing
35 the person receiving the leave. The value of leave transferred shall
36 be based upon the leave value of the person receiving the leave.

37 (b) In the case of leave transferred by an employee of one agency
38 to an employee of another agency, the agencies involved shall arrange

1 for the transfer of funds and credit for the appropriate value of
2 leave.

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

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

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

15 (7) Leave transferred under this section shall not be used in any
16 calculation to determine an agency's allocation of full-time
17 equivalent staff positions.

18 (8) An employee who uses leave that is transferred to him or her
19 under this section may not be required to repay the value of the
20 leave that he or she used.

21 (9) The office of financial management and other personnel
22 authorities shall each adopt rules applicable to employees under
23 their respective jurisdictions:

24 (a) Establishing appropriate parameters for the parental shared
25 leave program;

26 (b) Providing for equivalent treatment of employees between their
27 respective jurisdictions and allowing transfers of leave;

28 (c) Establishing procedures to ensure that the parental shared
29 leave program does not significantly increase the cost of providing
30 leave; and

31 (d) Providing for the administration of the parental shared leave
32 program and providing for maintenance and collection of sufficient
33 information on the program to allow a thorough legislative review.

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