

government and its existing public institutions, and shall take effect immediately.

Passed the House March 5, 1981.

Passed the Senate March 6, 1981.

Approved by the Governor March 16, 1981.

Filed in Office of Secretary of State March 16, 1981.

CHAPTER 16

[Substitute House Bill No. 166]

SCHOOL EMPLOYEES' SALARIES—DISTRICT BOARDS' AUTHORITY

AN ACT Relating to school districts; amending section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 4, chapter 182, Laws of 1980 and RCW 28A.58.100; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 4, chapter 182, Laws of 1980 and RCW 28A.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees(~~(, and fix, alter, allow and order paid their salaries and compensation)~~);

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification 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 noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

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

(b) 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;

(c) For certificated and noncertificated 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;

(d) 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;

(e) Leave provided in this proviso not taken shall accumulate from year to year and such accumulated time may be taken at any time during the school year but for purposes of payments for unused sick leave shall not exceed twelve days per year;

(f) 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;

(g) 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.58.097 and 28A.21.360;

(h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

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

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

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees. No school district board of directors may grant salary and compensation increases from any fund source whatsoever in excess of the amount and or percentage

as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(2) Increases in school district employee fringe benefit contributions by school districts shall be included for purposes of determining salary and compensation increases under this section if contributions to fringe benefits provided by a district exceed or, by virtue of the increase, will exceed the amount provided for fringe benefits in the state operating appropriations act in effect at the time the compensation is payable.

(3) For purposes of this section, salary and compensation shall not include the following:

(a) Payment for unused leave for illness or injury under RCW 28A.58.097,

(b) Employer contributions for the following employee fringe benefits:

(i) Old Age Survivors Insurance

(ii) Workers' Compensation

(iii) Unemployment Compensation

(iv) Retirement benefits under the Washington State Retirement System.

(4) Provisions of any contract in force on the effective date of this amendatory act which conflict with requirements of this section shall continue in effect until contract expiration. After expiration, any new contract executed between the parties shall be consistent with this section.

NEW SECTION. Sec. 3. There is added to chapter 41.59 RCW a new section to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with section 2 of this amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 41.56 RCW a new section to read as follows:

Nothing in this chapter shall be construed to grant school districts or school district employees the right to reach agreements in excess of those authorized in accordance with section 2 of this amendatory act.

NEW SECTION. Sec. 5. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of

the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 6, 1981.

Passed the Senate March 19, 1981.

Approved by the Governor March 20, 1981.

Filed in Office of Secretary of State March 20, 1981.

CHAPTER 17

[Senate Bill No. 3213]

ELECTRIFIED PUBLIC STREETCAR LINES—LOCAL IMPROVEMENTS

AN ACT Relating to electrified public streetcar lines; amending section 35.43.040, chapter 7, Laws of 1965 as amended by section 1, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.040; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 35.43.040, chapter 7, Laws of 1965 as amended by section 1, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.040 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, re-graveling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;