

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

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 275

[Substitute Senate Bill No. 3880]

SCHOOL DISTRICTS—EMPLOYEES—LEAVES—REMUNERATION FOR UNUSED SICK LEAVE

AN ACT Relating to education; amending section 2, chapter 16, Laws of 1981 and RCW 28A.58.095; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; creating a new section; repealing section 5, chapter 182, Laws of 1980 and RCW 28A.58.097; and repealing section 3, chapter 10, Laws of 1972 ex. sess., section 108, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 182, Laws of 1980, section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

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

Sec. 1. Section 2, chapter 16, Laws of 1981 and RCW 28A.58.095 are each amended to read as follows:

(1) Every school district board of directors (1) 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~~) section 2 of this 1983 act,

(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 March 20, 1981 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. 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:

Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and noncertificated employees in the following manner, including covering persons who were employed during the 1982-'83 school year: (1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation: PROVIDED, That no employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month. (2) At the time of separation from school district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

Moneys received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section 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;
- (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 up to a maximum of one hundred eighty days. 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.

(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 section 2 of this act and RCW 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 certificated or classified 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. 4. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 182, Laws of 1980 and RCW 28A.58.097; and

(2) Section 3, chapter 10, Laws of 1972 ex. sess., section 108, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 182, Laws of 1980, section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

NEW SECTION. Sec. 5. This act is intended to effectuate the legislature's intent in the original enactment of chapter 182, Laws of 1980 and constitutes a readoption of the relevant portions of that law. This act shall be construed as being in effect since June 12, 1980.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

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CHAPTER 276

[Senate Bill No. 4082]

JUDGES—POWER TO REDUCE SENTENCES FOR GOOD BEHAVIOR— REDUCTION OF FINE BY LABOR OR CONFINEMENT MODIFIED

AN ACT Relating to prisoner fines and costs and sentences; amending section 1, chapter 99, Laws of 1937 and RCW 9.92.150; and amending section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030.

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

Sec. 1. Section 1, chapter 99, Laws of 1937 and RCW 9.92.150 are each amended to read as follows:

The sentencing judge of the superior court and the sentencing (~~justice of peace of the justice court~~) judge of courts of limited jurisdictions shall have authority and jurisdiction whereby the sentence of a prisoner, sentenced to imprisonment in their respective county jail, may be reduced by up to ((five)) ten days for each month of confinement therein, for good behavior.

Sec. 2. Section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030 are each amended to read as follows: