**ITEM #1 – Juneteenth Holiday**

**Staff note:** Chapter 295, Laws of 2021 **(**Substitute House Bill 1016) passed during the 2021 legislative session with an effective date of July 25, 2021. This bill amends RCW 1.16.050 to add Juneteenth as a legal holiday in recognition of the date of remembrance for the day African slaves learned of their freedom. Moving the day from being a day of recognition to a legal holiday.

We are proposing to amend WAC 357-31-005 to include Juneteenth as a legal holiday.

Lead: Patricia Foshaug

AMENDATORY SECTION

**WAC 357-31-005** **For the purpose of chapter 357-31 WAC, what days are recognized as holidays?**

The following days are designated as holidays for the purpose of chapter 357-31 WAC:

(1) The first day of January (New Year's Day);

(2) The third Monday of January (Martin Luther King, Jr.'s birthday);

(3) The third Monday of February (Presidents' Day);

(4) The last Monday of May (Memorial Day);

(5) The nineteenth day of June (Juneteenth);

(6) The fourth day of July (Independence Day);

((~~(6)~~)) (7) The first Monday in September (Labor Day);

((~~(7)~~)) (8) The eleventh day of November (Veterans Day);

((~~(8)~~)) (9) The fourth Thursday in November (Thanksgiving Day);

((~~(9)~~)) (10) The Friday immediately following the fourth Thursday in November (Native American Heritage Day); and

((~~(10)~~)) (11) The twenty-fifth day of December (Christmas Day).

Higher education employers may designate other days to be observed in place of the above holidays. Holiday schedules for higher education employers may be determined on a calendar or fiscal year basis. When a higher education employer establishes a modified schedule, paid holidays must be granted based on the modified schedule.

**Item #2 – Cleanup Shared Leave Pools**

**Staff note:** We received feedback that it was unclear if an employee was required to deplete certain leave types or if they were able to maintain a balance of 40 hours of applicable leave types for the Uniformed Services Shared Leave and Veterans’ In-state Service Shared Leave pools. Based on that feedback, we are proposing to amend the following rules to clarify that an employee is able to maintain a balance of 40 hours of applicable leave types before receiving shared leave from these two shared leave pools. The proposed amendment to WAC 357-31-687 is to clarify that an employee is not required to deplete all of their accrued vacation leave and paid military leave before receiving shared leave from the Uniformed Service Shared Leave Pool. The proposed amendment to WAC 357-31-797 is to clarify an employee is not required to deplete all of their accrued vacation leave and sick leave before receiving shared leave from the Veterans’ In-State Service Shared Leave Pool.

Lead: Patricia Foshaug

AMENDATORY SECTION

**WAC 357-31-687** **Must employees use their own leave before receiving shared leave from the uniformed service shared leave pool?**

Employees who are eligible to receive shared leave from the uniformed service shared leave pool must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565((~~,~~)) and personal holiday((~~, vacation leave, and paid military leave allowed under RCW 38.40.060~~)) before receiving shared leave from the uniformed service shared leave pool. The employee is not required to deplete all of their accrued vacation leave and paid military leave allowed under RCW 38.40.060 and can maintain up to forty hours of vacation leave and forty hours of paid military leave.

AMENDATORY SECTION

**WAC 357-31-797** **Must employees use their own leave before receiving shared leave from the veterans' in-state service shared leave pool?**

Employees who are eligible to receive shared leave from the veterans' in-state service shared leave pool must first use all accrued compensatory time, recognition leave as described in WAC 357-31-565((~~,~~)) and personal holiday((~~, sick leave, and vacation leave~~)) before receiving shared leave from the veterans' in-state service shared leave pool. The employee is not required to deplete all of their accrued vacation leave and sick leave and can maintain up to forty hours of vacation leave and forty hours of sick leave.

**ITEM #3 – Protecting high risk employee seniority date**

**Staff note:** We are proposing to amend WAC 357-46-053 and WAC 357-46-055 to state when an employee is on approved leave without pay as a result of the Governor issuing a proclamation directly related to health and safety their seniority dates must not be adjusted

Emergency rule amendments to WAC 357-46-053 and WAC 357-46-055 were filed with the Office of the Code Reviser on April 16, 2021. We are planning to move forward with permanent rulemaking. Unlike the emergency rules, the permanent rules will not be tied to a specific proclamation but any proclamation issued by the Governor that is related to health and safety.

The highlighted green text indicates the changes that we are proposing for permanent rule adoption since the emergency rules were filed on April 16, 2021.

Lead: Caroline Kirk

AMENDATORY SECTION

**WAC 357-46-053** **How is a higher education employee's seniority date determined?**

For higher education employees, the seniority date is determined as follows:

(1) In accordance with the employer's layoff procedure. The employer's layoff procedure must specify a uniform method for determining the seniority date for employees of the higher education institution or related board who are covered by the civil service rules.

(2) Employees on military leave as provided in WAC 357-31-370 must not have their seniority date adjusted for the time spent on military leave without pay.

(3) ((~~The~~ ))Employees on leave without pay as authorized by a proclamation directly related to health and safety issued by the governor must not have their seniority date adjusted for the time spent on((~~will not be adjusted for the period of~~)) leave without pay ((~~for employees on leave without pay taken due to the novel coronavirus disease 2019 (COVID-19) under the governor's high risk proclamation #20-46. This subsection is effective until the expiration of proclamation #20-46, issued April 13, 2020, by the governor or any amendment thereto, whichever is later~~)).

AMENDATORY SECTION

**WAC 357-46-055** **How is a general government employee's seniority date determined?**

(1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service (including exempt service) as adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

(a) Military leave as provided in WAC 357-31-370;

(b) Compensable work-related injury or illness leave;

(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Reducing the effects of layoff.

(f) Leave without pay as authorized by a proclamation directly related to health and safety issued by the governor.~~((Novel coronavirus disease 2019 (COVID-19) under the governor's high risk proclamation #20-46. This subsection is effective until the expiration of proclamation #20-46, issued April 13, 2020, by the governor or any amendment thereto, whichever is later.~~))

(2) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

((~~(2)~~)) (3) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status, excluding compensatory time off. Actual hours worked includes overtime hours regardless of whether or not the employee receives monetary payment or compensatory time for the hours worked. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

(a) Military leave as provided in WAC 357-31-370;

(b) Compensable work-related injury or illness leave;

(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Reducing the effects of layoff.

(f) Leave without pay as authorized by a ((~~Novel coronavirus disease 2019 (COVID-19) under the governor's high risk~~)) proclamation directly related to health and safety issued by the governor. ((~~#20-46. This subsection is effective until the expiration of proclamation #20-46, issued April 13, 2020, by the governor or any amendment thereto, whichever is later.~~))