

# HOUSE BILL REPORT

## HB 3035

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### As Reported by House Committee On:

State Government

**Title:** An act relating to compensation and benefits for state employees on active military duty.

**Brief Description:** Providing compensation and benefits to active duty military members.

**Sponsors:** Representatives Darneille, Benson, Rodne, Hunt, Romero, O'Brien, Simpson, G., Morrell, Linville, Fromhold, Lovick, Conway, Rockefeller, Chase, Lantz, Ormsby and Kenney.

### Brief History:

#### Committee Activity:

State Government: 2/5/04 [DPS].

#### Brief Summary of Substitute Bill

- Requires the state to pay the difference between military pay and state pay for state employees called to service in the uniformed services.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

**Staff:** Katie Blinn (786-7114).

### Background:

Due to the wars in Iraq and Afghanistan, thousands of Washington National Guard troops have been called to active duty in the United States Armed Forces. A significant number of U.S. military reserve units located in Washington have also been deployed. The activation of the 81st Armor Brigade, a unit of the Washington Army National Guard, in November 2003, is the largest deployment of Washington guardsmen since World War II. Once activated for more than 30 days, national guardsmen receive a salary and health

benefits, and are eligible to pay for life insurance. Reservists may pay for health benefits for dependents in the military health system called TRICARE.

Both federal and state law require employers to return reservists to their former civilian positions, or to a position of similar seniority, status and pay, once they return from active duty. An exception does exist if the employer's circumstances have so changed that reemployment is impossible or unreasonable.

Reservists who are also state, county, municipal, or other political subdivision employees in civilian jobs are allowed 15 days of paid leave for training that is in addition to any sick leave or vacation. Reservists employed by the state may repay pension contributions not paid during the time of activation in order to receive pension plan credit for that period of time.

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**Summary of Substitute Bill:**

A state employee called to federal service after November 1, 2003, for more than 30 days shall receive the difference between the employee's state pay and the employee's military pay plus military allowances, as long as the military income is less than the state income. The employee shall also continue to receive any pension or retirement benefits as long as the employee continues to make any employee contributions normally required of state employees. Pay and benefits provided for a mobilization under this program cannot exceed four years.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the program retroactive to military activations that occurred after November 1, 2003. The eligible mobilizations are limited to federal activations exceeding 30 days. Military allowances are added to military pay when determining the difference between military income and state income. Health insurance and life insurance are removed from the list of benefits an activated employee may continue to receive. The substitute bill clarifies that the pay and benefits are only provided during the mobilization.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The State of Washington, as an employer, needs to respond to the

recent military deployments in a manner consistent with the private sector, such as Boeing and Microsoft, to show that we appreciate the reservists' Army National Guard service. This is not a Governor's request bill but the Adjutant General is happy to provide technical support to the sponsors to make the bill feasible. The current fiscal note does not reflect the changes suggested in the amendment, which changes the effective date of the program, adds military allowances to military pay, and excludes health and life insurance.

Most deployments are for 60 to 90 days. The 18 month deployment of the 81st Armor Brigade is unusual. Many employers experience a lag in personnel decisions when an employee is deployed. The vacated position may be temporarily filled by another employee, but because the vacancy is temporary, most employers try to spread out the workload or responsibilities of the deployed employee rather than actually fill the position. Normally, retention rates in the Army National Guard are very high after a deployment, even after a six to nine month deployment, because the reservists feel good about their work and are reminded why they are needed. However, it is unknown what impact an 18 month deployment will have on Army National Guard retention rates. Health care benefits are available to dependents through TRICARE, but dependents who do not live near a military health facility, such as Madigan Army Medical Center, have difficulty finding physicians who will accept new TRICARE patients. Presumably, a state employee would have to show the Department of Personnel proof of military income in order to participate in this program.

**Testimony Against:** None.

**Persons Testifying:** Representative Darneille, prime sponsor; Adjutant General Timothy Lowenberg, Washington Military Department; and Annie DeAndera, Washington National Guard Family Problems.

**Persons Signed In To Testify But Not Testifying:** None.