
State Government Committee

HB 2010

Brief Description: Providing bereavement leave for state employees.

Sponsors: Representatives McDermott, Hunt, Murray, Santos, Moeller, Edwards, Kagi, Darneille, Chase and Hudgins.

Brief Summary of Bill

- Authorizes rulemaking to implement five days of bereavement leave that cannot be deducted from sick leave for state civil service employees.

Hearing Date: 2/25/03

Staff: Katie Blinn (786-7114).

Background:

Bereavement Leave:

Until July 1, 2004, the Washington Personnel Resources Board (WPRB) has rulemaking authority to adopt rules for the civil service system for state employees. The Department of Personnel (DOP) administers the civil service system and will assume responsibility for civil service rulemaking on July 1, 2004. Examples of the issues covered by civil service rules include job classifications, suspensions, demotions, sick leave, vacation, and layoff criteria.

Per DOP rule, WAC 359-18-060, a state employee may use up to three days of sick leave as bereavement leave. Bereavement leave is allowed for each death of a household member, relative, or spouse's relative. "Relative" is limited to a spouse, son, daughter, grandchild, foster child, son-in-law, daughter-in-law, or sister-in-law. The agency has discretion to extend the leave beyond three days if travel needs warrant it.

Effective July 1, 2005, rules pertaining to leave and hours of work may be superseded by a collective bargaining agreement. The matters that will be subject to bargaining between the state, as employer, and a collective bargaining unit representing employees include wages, hours, and terms and conditions of employment. If a provision of a collective bargaining agreement conflicts with an administrative rule, the agreement prevails. However, if a provision of a collective bargaining agreement conflicts with a statute, the statute prevails and the provision in the agreement is invalid and unenforceable.

Codification Correction:

During the 2002 legislative session, three separate bills passed the legislature amending the same statute: RCW 41.06.150, the statute that authorizes the WPRB to adopt civil service laws. One bill, SB 6628, amended a subsection relating to probationary periods for new park rangers and campus police officers. A second bill, SHB 1268, moved many subsections into a new statute, RCW 41.06.133, which takes effect July 1, 2004. One of the subsections moved into the new statute is the subsection addressing probationary periods. Because the probationary period change made in SB 6628 was simultaneous to the codification change made in SHB 1268, the probationary period change is not included in new RCW 41.06.133. The new probationary period law will remain in effect after July 1, 2004 but will appear in a version of RCW 41.06.150 that is otherwise obsolete.

Summary of Bill:

Bereavement Leave:

The WPRB must adopt rules implementing five days of bereavement leave for state civil service employees that cannot be deducted from vacation or sick leave. Consistent with other civil services rules for sick leave, vacation, and hours of work, bereavement leave rules may be superseded by collective bargaining agreements that take effect July 1, 2004. The rulemaking authority is transferred to the DOP effective July 1, 2004.

Codification Correction:

Effective July 1, 2004, the changes to probationary periods made in SB 6628 during the 2002 legislative session are moved from RCW 41.06.150 to RCW 41.06.133 to be consistent with the other codification changes made in SHB 1268 during the 2002 legislative session. The substantive law regarding probationary periods is not changed.

Appropriation: None.

Fiscal Note: Requested on February 19, 2002.

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