

HOUSE BILL REPORT

ESB 6010

As Reported by House Committee On:
State Government Operations & Accountability

Title: An act relating to employment rights of peace corps and humanitarian organization volunteers and faith-based missionaries.

Brief Description: Granting a right of return to employment to state employees who leave employment to serve as Peace Corps or humanitarian organization volunteers or on faith-based missions.

Sponsors: Senator Fairley.

Brief History:

Committee Activity:

State Government Operations & Accountability: 3/25/05, 4/1/05 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Extends the rights and benefits received by state employees on leaves without pay to those participating in the Peace Corps or humanitarian or faith-based missions.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass as amended. Signed by 5 members: Representatives Haigh, Chair; Green, Vice Chair; Hunt, McDermott and Miloscia.

Minority Report: Do not pass. Signed by 2 members: Representatives Nixon, Ranking Minority Member; and Clements, Assistant Ranking Minority Member.

Staff: Hannah Lidman (786-7291) and Marsha Reilly (786-7135).

Background:

Leave without pay must be granted to state employees on or called to active military duty. Discretionary leave without pay may be granted to state employees for a number of reasons if the leave will not operate to the detriment of state service. Such reasons include:

- educational leave;
- U.S. Public Health Service and Peace Corps leave;
- leave taken to reduce the effect of an agency reduction in force;
- pre-authorized leave accommodations for the disabled; and

- formal collective bargaining leave.

Employees returning from authorized leave without pay must be employed in the same or equivalent position in the same geographical area, unless the return to state employment conflicts with rules relating to a reduction in force. Leave without pay does not affect an employee's periodic increment date.

Generally, state employees on leave without pay do not accrue vacation leave, as employees must work at least half time to qualify for vacation leave. A state employee on unpaid leave may use vacation or sick leave (leave with pay) to maintain medical benefits.

Summary of Amended Bill:

All state agencies must grant leave without pay to any exempt or non-exempt full time permanent employee who requests leave to serve in the Peace Corps, a program sponsored by a humanitarian organization, or a faith-based mission. Upon return from such service, the employee must be returned to his or her previous position or an equivalent position without loss of seniority. Additionally, the employee cannot be dismissed without cause from his or her position for one year after his or her return to state service.

During the employee's leave, the rules and practices relating to leave without pay shall govern the employee's participation in the benefits offered by the employer at the time the leave was granted.

Amended Bill Compared to Original Bill:

The amended bill made some technical corrections and clarified that it is the rules and practices related to leave without pay that govern an employee's benefit eligibility during the employee's leave.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (With concerns on original bill) Some of the language in the bill is ambiguous and hard to understand. The language currently in the bill would make rulemaking difficult.

Testimony Against: None.

Persons Testifying: (With concerns on original bill) Susan Miller and Sandi Stewart, Department of Personnel

Persons Signed In To Testify But Not Testifying: None.