

SENATE BILL REPORT

SB 6447

As Amended by House, March 6, 2008

Title: An act relating to allowing unpaid leaves of absence for military personnel needs.

Brief Description: Allowing unpaid leaves of absence for military personnel needs.

Sponsors: Senators Hobbs, Jacobsen, Shin and Rasmussen.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/08, 1/29/08 [DP].
Passed Senate: 2/19/08, 47-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, McDermott, Pridemore and Swecker.

Staff: Cindy Calderon (786-7784)

Background: All U.S. service members (service members), Active or Reserve, and Department of Defense (DoD) civilian employees assigned to a twelve month tour of duty to one of seventeen contingency countries in support of Operation Enduring Freedom or Operation Iraqi Freedom are eligible for the Rest and Recuperation (R&R) program. The R&R program entitles all service members and DoD civilians to fifteen days of leave during their deployment. Service members and DoD civilians who are deployed to one of the seventeen contingency locations for fifteen months are entitled to eighteen days of leave.

Summary of Bill: The Family Military Leave Act (Act) is established. Under the Act, an employer must allow an employee who is married to a military member of the U.S. armed forces, national guard, or reserve who is deployed during a declared period of war, to take up to fifteen days unpaid leave while their military spouse is on leave. An employee must provide his or her employer with notice of his or her intention to take leave within five business days of receiving official notice that his or her military spouse will be on leave. The unpaid leave is in addition to any vacation, sick, or other leave the employee is entitled.

An employee is defined as a person who provides a service for hire for an average of twenty or more hours weekly; excludes an independent contractor. An employer is defined as: a person, firm, corporation, partnership, or other business entity; the state, a state institution, and state agency; and any unit of local government.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Spouses are afraid to ask employers for time off from work when their husbands or wives are coming home on leave from a deployment. This bill allows spouses to ask for time off without fear of retaliation. Keeping military families intact and healthy is important because it helps soldiers continue to be willing to make sacrifices for their country. When spouses come home during a deployment this allows them to rejuvenate; being able to spend time with their spouses helps that process. The time this bill provides is good for spouses and military members since it guarantees spouses will have time off.

Persons Testifying: PRO: Senator Hobbs, prime sponsor; Caedmon Cahill; Levi Larson, Tamara Jones, citizens.

House Amendment(s): The period when a military spouse is entitled to 15 days of unpaid leave is expanded to include, the time the military spouse receives official notification of an impending call or order to active duty up to deployment; the employee spouse must provide notice of his or her intent to take leave within five days of receiving official notice. The amendment clarifies that the 15 days is per deployment. An employee who takes this leave is entitled to be restored to a position and receive the same benefits an employee receives under the chapter on Family Leave; and an employer must not engage in prohibited acts specified in that chapter. Rather than unpaid leave being in addition to other leave, an employee may elect to substitute accrued leave for any part of the military family leave. Military family law rights will be enforced as provided in the state Family Leave Law. The number of days a state or local officer or employee who is also a member of the Washington National Guard or Reserves is entitled for military leave of absence from employment is extended from 15 to 21 days each year.