

HOUSE BILL REPORT

HB 2403

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to military leave for public employees.

Brief Description: Concerning military leave for public employees.

Sponsors: Representatives Morrell, Kelley, Armstrong, Bailey, Hope, O'Brien, Klippert, Morris, Hurst, Hunt, Green, Roberts, Sells, McCune, Campbell, Nelson, Rolfes, Chase, Smith, Appleton, Maxwell, Sullivan, Dammeier, Upthegrove, Carlyle, Conway, Simpson, Orwall, Kenney, McCoy, Ormsby, Kretz and Haigh; by request of Military Department.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/14/10, 1/15/10 [DPS].

Brief Summary of Substitute Bill

- Expands the use of military leave to include state active duty.
- Clarifies that military leave may only be charged for the days the person is normally scheduled to work for the state or local government.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Hurst and Taylor.

Staff: Marsha Reilly (786-7135).

Background:

Any officer or employee of state or local government who is a member of the Washington National Guard, Army, Navy, Air Force, Coast Guard, or Marine Corps Reserves of the United States, or of any organized reserve or armed forces of the United States, is entitled to 21 days of military leave of absence from employment each year.

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.

The leave is granted so the person may report for active duty or active training duty and is in addition to vacation or sick leave. Taking leave will not result in any loss of efficiency rating, privileges, or pay. The employee receives his or her normal pay during this leave.

Active state service or active training duty is construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority, or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the President of the United States.

Summary of Substitute Bill:

Military leave shall be granted for required military duty, training, or drills including those in the National Guard under Title 10 U.S.C., Title 32 U.S.C., or state active status. An officer or employee of state or local government shall be charged military leave only for the days that he or she is regularly scheduled to work for the state or local government.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that military leave may be charged only for the days the officer or employee is regularly scheduled to work for the state or local government.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There has been some confusion on the parts of human resource officers related to how military leave is charged and the bill makes it clear that leave is granted for the time the employee is scheduled to work. The current language refers to "active duty" and "active duty training." Some have interpreted this to exclude coverage for required National Guard and State Guard responses to state emergencies and required training. There have been instances in which public employees have been charged with military leave for days they are not normally scheduled to work. The Washington State Veterans Legislative Coalition supports the bill. The Washington Federation of State Employees supports the bill. Many employees serve in the guard and there are stories regarding how military leave is incorrectly charged, so clarification is needed.

(Opposed) None.

Persons Testifying: Representative Morrell, prime sponsor; Major General Lowenberg, Washington National Guard; Dale Movius, Veterans Legislative Coalition; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.