

# HOUSE BILL REPORT

## E2SHB 1802

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### As Passed House:

March 2, 2017

**Title:** An act relating to increasing the access of veterans, military service members, and military spouses to shared leave in state employment.

**Brief Description:** Increasing the access of veterans, military service members, and military spouses to shared leave in state employment.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Reeves, Springer, Kilduff, Farrell, Appleton, Stonier, Stanford, Kloba, Frame, Ryu, Tharinger, Pellicciotti, Macri, Chapman, Fitzgibbon, Jinkins, Orwall, Doglio, Lovick, Riccelli, Peterson, Gregerson, Blake, Ortiz-Self, Ormsby, Bergquist, Fey and Pollet).

### Brief History:

#### Committee Activity:

Community Development, Housing & Tribal Affairs: 2/8/17, 2/9/17 [DPS];

Appropriations: 2/22/17 [DP2S(w/o sub CDHT)].

#### Floor Activity:

Passed House: 3/2/17, 98-0.

### Brief Summary of Engrossed Second Substitute Bill

- Allows certain state employees to access shared leave for attending medical appointments or treatments for a service-connected disability.
- Creates the Veterans' In-State Service Shared Leave Pool (VISSLP).
- Allows state employees who are veterans, or their spouses who are caring for them, to access shared leave from the VISSLP.

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## HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Ryu, Chair; Macri, Vice Chair; McCabe, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Jenkin, Reeves and Sawyer.

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*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.*

**Staff:** Kirsten Lee (786-7133).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Development, Housing & Tribal Affairs. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger, Vick, Volz and Wilcox.

**Minority Report:** Do not pass. Signed by 1 member: Representative Taylor.

**Staff:** David Pringle (786-7310).

### **Background:**

#### Leave Sharing Program.

In 1989 the Legislature established a leave sharing program for state and school district employees. The leave sharing program allows state and school district employees who have exhausted their accrued sick, annual, and/or military leave to use additional paid leave donated by their colleagues under certain qualifying circumstances.

An employee may benefit from the leave sharing program if he or she: suffers from personal illness or injury; is caring for a sick or injured family or household member; is the victim of domestic violence, sexual assault, or stalking; has been called into military service; or is responding in service to a devastated area in a declared emergency or aftermath. In order to qualify for the leave sharing program, one of these circumstances must have caused, or is likely to cause, the employee to go on leave-without-pay status or to terminate employment.

The amount of shared leave an employee may receive is determined by the agency head and may not exceed the requested amount, up to a maximum of 522 days unless extraordinary circumstances apply. The amount of shared leave received under the Uniformed Service Shared Leave Pool (Pool) is not included in the maximum number of allowable days.

#### Uniformed Service Shared Leave Pool.

The Pool allows state employees to donate leave to be used as shared leave for any state employee called to service in the uniformed services. "Uniformed services" means the Armed Forces, the Army National Guard, and the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the Commissioned Corps of the Public Health Service, the Coast Guard, and any other category of persons designated by the President of the United States in a time of war or national emergency.

Leave may not be granted from the Pool unless the Pool has a sufficient balance to fund the requested leave for the expected term of service and the employee has met the qualifications

of the leave sharing program. If granted, shared leave paid under the Pool, in combination with military salary, may not exceed the level of the employee's state monthly salary. Military salary includes base, specialty, and other pay, but does not include other allowances, such as a housing allowance. Monthly salary includes monthly salary and special pay and shift differential, or the equivalent for hourly employees, but does not include overtime pay, call-back pay, standby pay, or performance bonuses. Employees requesting leave from the Pool must provide earnings information to the Department of Personnel.

### **Summary of Engrossed Second Substitute Bill:**

#### Leave Sharing Program.

Agency heads are allowed to permit an employee to receive shared leave if the employee is a:

- current member of the uniformed services or a veteran, and is attending medical appointments or treatments for a service-related injury; or
- spouse of a current uniformed service member or veteran, who is attending medical appointments or treatments for a service-connected injury or disability and requires assistance while attending an appointment or treatment.

"Veteran" means any person who, at the time he or she seeks certain benefits, has received an honorable discharge, is actively serving honorably, or has received a discharge for physical reasons with an honorable record and who meets at least one the following criteria:

- the person has served between World War I and World War II or during any period of war; or
- the person has received the Armed Forces Expeditionary Medal, or Marine Corps and Navy Expeditionary Medal, for opposed action on foreign soil.

Agency heads must allow employees who are veterans and their spouses to access shared leave from the Veterans' In-State Service Shared Leave Pool (VISSLP) upon employment.

#### Veterans' In-State Service Shared Leave Pool.

The VISSLP is created. The VISSLP is administered by the Washington Department of Veterans Affairs (WDVA) and allows state employees to donate leave to be used as shared leave for state veteran employees or their spouses caring for them. All employees who donate to the VISSLP must specify their intent to donate to the VISSLP. "Veteran" has the same meaning as defined in the Leave Sharing Program.

Leave may not be granted from the VISSLP unless the VISSLP has a sufficient balance to fund the requested leave period and the employee has met the qualifications of the leave sharing program. If granted, shared leave paid under the VISSLP, in combination with the employee's salary, may not exceed the level of the employee's state monthly salary. "Monthly salary" includes monthly salary and special pay, and shift differential, or the equivalent for hourly employees. It does not include overtime pay, call-back pay, standby pay, or performance bonuses.

The Office of Financial Management must consult with the WDVA in its adoption of rules and policies governing the donation and use of shared leave from the VISSLP.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Community Development, Housing & Tribal Affairs):**

(In support) The goal of this legislation is to ensure that veterans, and their spouses caring for them, have access to shared leave during periods of time when there may not have been an opportunity to accrue leave, so they do not have to choose between having healthcare or employment. Additionally, for those serving in the military, regardless of how well leave is managed, it can be difficult to accrue leave. The additional access to shared leave provides outreach to these individuals, helps retain employees, and allows veterans, military members, and their spouses caring for them, the ability to take paid leave for reasons including medical appointments.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) None.

(Opposed) None.

**Persons Testifying (Community Development, Housing & Tribal Affairs):** Representative Reeves, prime sponsor; Jerry Fugich, Veterans of Foreign Wars; and Deryl McCarty, Veterans Legislative Coalition.

**Persons Testifying (Appropriations):** None.

**Persons Signed In To Testify But Not Testifying (Community Development, Housing & Tribal Affairs):** None.

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