

# HOUSE BILL REPORT

## HB 2851

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**As Reported by House Committee On:**  
Community Development, Housing & Tribal Affairs

**Title:** An act relating to clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

**Brief Description:** Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

**Sponsors:** Representatives Reeves, Rodne, Peterson, McCaslin and Haler.

**Brief History:**

**Committee Activity:**

Community Development, Housing & Tribal Affairs: 1/23/18, 1/25/18 [DP].

**Brief Summary of Bill**

- Allows employees that are scheduled to work shifts that continue into a second calendar day to be charged for only one day of military leave, and for shifts that continue into a third calendar day or further, to be charged for all days but the last calendar day of the shift.

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

**Majority Report:** Do pass. Signed by 6 members: Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

**Staff:** Travis Yonker (786-7383).

**Background:**

An employee of the state, or its political subdivisions, who is a member of the National Guard or a member of a branch of the United States Armed Forces, is entitled to military leave from his or her employment for up to 21 days during each year, defined as beginning

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on October 1 and ending the following September 30. This military leave is in addition to any vacation or sick leave accrued by the employee.

An employee is charged military leave only for the days that he or she is scheduled to work for the state or other political subdivision. There is no statutory definition of day in the context of calculating military leave, and the common law definition of a day as being a period of time from one midnight to the next has been applied to this calculation.

For employees that are scheduled to work nontraditional shifts, such as 24-hour shifts, the common law definition of a day has required such employees to be charged two days of military leave since such shifts occur over two separate calendar days.

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**Summary of Bill:**

When an employee requests military leave to cover days for which he or she is scheduled to work, if the employee is scheduled to work a shift that extends into a subsequent calendar day, the employee is charged military leave for only the first calendar day of the shift. If the shift extends into later subsequent days, the employee is charged military leave for each calendar day of the shift except the calendar day on which the shift finally ends.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Staff Summary of Public Testimony:**

(In support) This is a technical fix so first responders are not penalized for their military service. Because the Legislature has not included a definition of day, some local governments have followed a strict interpretation of day, requiring first responders to sometimes be charged for two days of military leave for one shift that spans two calendar days.

(Opposed) None.

**Persons Testifying:** Representative Reeves, prime sponsor; Ted Wicorek, Veterans Legislative Coalition; and Geoff Simpson, Washington State Council of Firefighters.

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