

SENATE BILL REPORT

HB 2739

As of February 24, 2020

Title: An act relating to adjusting certain requirements of the shared leave program.

Brief Description: Adjusting certain requirements of the shared leave program.

Sponsors: Representatives Kloba, Stonier, Appleton, Davis and Duerr.

Brief History: Passed House: 2/17/20, 96-1.

Committee Activity: State Government, Tribal Relations & Elections: 2/21/20.

Brief Summary of Bill

- Depletion of annual and sick leave is not required for state employees seeking shared leave due to illness, injury, impairment, or physical or mental condition.
- Allows intermittent and nonconsecutive use of shared leave.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Melissa Van Gorkom (786-7491)

Background: The purpose of the Shared Leave Program is to permit state employees, at no significantly increased cost to the state, to provide annual leave, sick leave, or personal holidays to fellow state employees experiencing circumstances that may cause them to take leave without pay or terminate their employment.

Agency heads may permit employees to receive shared leave when an employee:

- suffers from or has a relative or household member who is suffering from an illness, injury, impairment, or extraordinary or severe physical or mental condition and has depleted, or will shortly deplete, their annual leave and sick leave reserves;
- has been called to service in the uniformed services and has depleted, or will shortly deplete, their annual leave and paid military leave;
- is a victim of domestic violence, sexual assault, or stalking and has depleted, or will shortly deplete, their annual leave;

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- volunteers to assist in a state of emergency declared by the state or federal government and has depleted, or will shortly deplete, their annual leave; or
- needs the time for parental leave or is sick or temporarily disabled because of pregnancy disability and has depleted, or will shortly deplete, their annual leave and sick leave reserve—the employee is not required to deplete all of their annual leave and sick leave to be eligible for shared leave and can maintain up to 40 hours of annual leave and sick leave in reserve.

The agency head determines the amount of leave, if any, an employee may receive. Employees must not receive a total of more than 522 days of leave unless extraordinary circumstances apply. Any unused leave is returned at its original value to the employee or employees who transferred the leave when the agency head finds the leave is no longer needed or will not be needed at a future time in connection with the underlying condition. Unused leave may not be returned until certain conditions are met.

Summary of Bill: Employees seeking shared leave when the employee, a relative, or household member is suffering an illness, injury, impairment, or physical or mental condition are not required to deplete all of their annual and sick leave before receiving shared leave.

Agency heads may not prevent state employees from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under specified procedures for unused leave.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: A state employee had a child with chronic illness that required intermittent leave to address these needs, colleagues were willing to share leave but school districts indicated that he was not allowed to take intermittent leave and must spend all leave balances before shared leave could be used. This will be helpful to a lot of employees who may have these medical issues or family members that do and that may need similar intermittent use of leave for treatment. This bill tries to address these issues. This will not increase or decrease total amount of leave available, it will just help distribute these hours to those who need it. The bill still gives employers the ability to approve or disapprove the leave. Support the idea of rolling in other amendments to shared leave proposed this session to allow for a broader allowance of maintaining leave to qualify for shared leave and clarification regarding the use of leave for Labor and Industry purposes as well.

Persons Testifying: PRO: Representative Shelley Kloba, Prime Sponsor; Matt Zuvich, American Federation of State, County and Municipal Employees Council 28, Washington Federation of State Employees; Julie Salvi, Washington Education Association; Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: No one.