

SENATE BILL REPORT

SB 6284

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, January 29, 2020

Title: An act relating to leave balances allowed for an eligibility employee to participate in the shared leave program.

Brief Description: Concerning leave balances allowed for an eligibility employee to participate in the shared leave program.

Sponsors: Senators Hunt and Nguyen.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/22/20, 1/29/20 [DP].

Brief Summary of Bill

- Defines shortly deplete for the purposes of qualifying for the state shared leave program.
- Allows an employee to maintain up to 40 hours of the applicable leave in reserve and still be eligible for shared leave.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Muzzall, Assistant Ranking Member; Hasegawa, Hawkins and Takko.

Staff: Melissa Van Gorkom (786-7491)

Background: The purpose of the Shared Leave Program (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:

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- 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;
- 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.

For purposes of the program, employees include any employee of the state, including those employed by school districts and educational service districts, who are entitled to accrue annual or sick leave. Agencies include departments, offices, and state institutions government, higher education institutions, educational service districts, school districts, and the Legislature.

Summary of Bill: "Shortly deplete" is defined as an employee having 40 hours or less of the applicable leave type for the purposes of qualifying for the program. Employees may maintain up to 40 hours of applicable leave in reserve and still be eligible for shared 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: Currently, some agencies are interpreting the language that allows employees to maintain some leave differently. Department of Social and Health Services does not allow an employee to qualify for shared leave if they have a leave balance and are seeking shared leave because of a relative who is suffering from an illness. Shared leave and the Family and Medical Leave Act (FMLA) allow someone to maintain their job, but because of shared leave rules, someone must deplete leave provisions to qualify. The effect of struggling to build up a leave balance for other purposes, resulted in having to take leave without pay under FMLA in lieu of using shared leave that is available. The provision allowing leave to be maintained should apply to all.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Matt Zuvich, Washington Federation of State Employees; Stacy Gifford, Washington Federation of State Employees.

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