

HOUSE BILL REPORT

HB 1992

As Reported by House Committee On:
Labor & Workplace Standards
Appropriations

Title: An act relating to vacation leave accrual for public employees.

Brief Description: Concerning vacation leave accrual for public employees.

Sponsors: Representatives Bateman, Leavitt, Berry, Macri, Frame, Pollet, Bronoske, Taylor, Valdez, Slatter, Kloba and MacEwen.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/25/22, 2/2/22 [DPS];
Appropriations: 2/5/22, 2/7/22 [DPS(LAWS)].

Brief Summary of Substitute Bill

- Increases the cap on accrued vacation leave for state employees from 240 hours to 280 hours.
- Requires school districts to establish a leave pool for staff who become ill or need to quarantine.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

Minority Report: Do not pass. Signed by 3 members: Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Harris.

Staff: Jessica Cable (786-7290) and Lily Smith (786-7175).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

State Employees.

State employees are entitled to at least eight hours of vacation leave with full pay for each month of employment. State employees may accrue 240 hours of total unused vacation leave.

State employees may accrue leave between the time 240 hours is accrued and the anniversary date of employment without a statement of necessity. If an employee does not use the excess leave by the anniversary date, then the leave is extinguished. If a leave request is deferred by reason of the employing office, department, or institution's convenience and a statement of necessity is retained by the agency, the accrued leave cap will be extended for each month that the leave is deferred.

When an employee has been terminated by a reduction in force, resignation, dismissal, or retirement, so long as the employee has been employed for at least six months, the employee is entitled to be paid for the amount of vacation leave accrued. If the employee dies, their estate is entitled to be paid the amount of vacation leave accrued.

Retirement Systems.

There are a variety of retirement systems for public employees, including the Washington State Patrol Retirement System, the Public Employees' Retirement System, and the Teachers' Retirement System. Retirement systems are divided into plans based on when the employee became a member.

Summary of Substitute Bill:

State Employees.

State employees are permitted to accrue up to 280 hours of unused vacation leave. Internal references in statutory provisions relating to Teachers' Retirement Plan 1 and Public Employees' Retirement System Plan 1 are changed to clarify that pensions under those plans remain unaffected by the increase in the cap.

Retirement Systems.

The definition of salary for calculating pension benefits for the Washington State Patrol Retirement System members commissioned before July 1, 2001, is changed to exclude lump sum payments for unused vacation and annual leave in excess of 240 hours, plus hours earned since anniversary date.

School District Employees.

School districts affected by public health emergencies must establish a pool of paid leave available to staff who become ill or need to quarantine and who have limited leave balances, with priority given to those with 10 days or less of available leave.

Substitute Bill Compared to Original Bill:

The substitute bill removes a section related to the accrual of sick leave by school district employees, and removes references to specific types of leave in the pool of leave required to be established by school districts.

Appropriation: None.

Fiscal Note: Preliminary 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) Educators have been hit hard by the pandemic and are concerned about running out of leave when they need to quarantine or stay home to stay safe. Many new educators have not accrued enough sick leave and their districts do not have a shared leave pool, making it difficult to recruit and retain quality educators. Increasing the cap on the amount of leave that can be accrued will allow educators to continue educating without worrying about managing sick leave. The shared leave pool will ensure that paid emergency leave will be available to sick teachers with limited sick leave balances and will help educators feel supported. Educators can continue to use the leave during their careers but cannot cash out on additional leave at the end of their career.

(Opposed) None.

Persons Testifying: Representative Jessica Bateman, prime sponsor; Matt Zuvich, Washington Federation of State Employees; Jenny Steele; and Nasue Nishida, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier,

Sullivan and Tharinger.

Minority Report: Without recommendation. Signed by 3 members: Representatives Harris, Hoff and Jacobsen.

Staff: Dave Johnson (786-7154) and David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:

No new changes were recommended.

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) Providing a pool of leave that is targeted to those running out of leave will relieve financial stress and allow educators to focus on their work with students. Schools are experiencing various staff shortages and insuring that employees will have leave available will both help retain existing staff and bring in new staff. The need for leave has become more apparent through the pandemic. State employee families use sick leave and, when those balances run low, a raise to the annual leave cap can help employees avoid ending up in a leave-without-pay situation. Educators must quarantine for exposures at work, or to care for their children, and are seeing their leave balances dwindle. Many newer educators did not begin the pandemic with much available leave. Educators may need to sometimes stay home to keep their students and communities safe but shouldn't be required to take leave without pay. This supports staff who are running out of leave and helps keep our schools open.

(Opposed) None.

Persons Testifying: Julie Salvi; Matt Zuvich, Washington Federation of State Employees; and Jeb Binns, Highline Education Association.

Persons Signed In To Testify But Not Testifying: None.