

SENATE BILL REPORT

ESSB 6724

As Amended by House, March 8, 2010

Title: An act relating to the leave sharing program.

Brief Description: Addressing the shared leave program.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser).

Brief History:

Committee Activity: Government Operations & Elections: 2/01/10, 2/02/10 [DPS].

Passed Senate: 2/15/10, 45-0; 3/08/10, 46-0.

Passed House: 3/04/10, 98-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott and Swecker.

Staff: Edward Redmond (786-7471)

Background: The Washington State Leave Sharing Program (Program) was enacted by the Legislature in 1989 for state employees. The Program permits state agency, school district, and educational service district employees to donate some of their annual sick leave to fellow employees that may lose their job or go on leave without pay due to certain specified conditions. These conditions include extraordinary illness, injury, or impairment that has caused an employee to exhaust the balance of their sick and annual leave. The illness or injury may be to an employee, a relative, or an employee's household member.

Current law provides that an employee may transfer leave with another employee of the same agency. Additionally, an employee may transfer leave with an employee of another agency if approved by the heads of both agencies. Employees of school districts or educational service districts, however, may only transfer leave between employees within the same employing district.

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.

Summary of Engrossed Substitute Bill: The amount of leave a state employee may receive is amended to correspond with the employee's service years. An employee with service of less than 10 years is eligible to receive up to 261 days of leave; between 10 to 19 years, up to 522 days; and with 20 or more years, up to 783 days. Shared leave received under the uniformed service shared leave pool is not subject to these limitations. The director of personnel is authorized to adopt rules as necessary to implement such changes.

Current statutory provisions limiting leave sharing between employees of a school district or education service district are amended. Employees of a school district or educational service district are authorized to share leave with employees in another agency.

A technical correction was made amending the title.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill: PRO: In October 2009 my sister was diagnosed with ovarian cancer. Knowing that she did not have enough sick leave to carry her through four months of chemotherapy, I filled out the University of Washington shared leave form to donate some of my leave to her. Initially, I was told there would not be a problem; however, I was later informed that I could not donate my leave to her because she was a school teacher. Right now, other state workers can share leave with employees from different agencies. This seems totally unfair to bar one group of state workers from having access to a program that can help a person recover from serious illness. This bill would amend current statutory law and permit school district and education service district employees to share leave with employees in other agencies. Students deserve a teacher who is well enough to teach.

Persons Testifying: PRO: Senator Kilmer, prime sponsor; Terri Herren, Molly Serna, Theresa Doherty, citizens; Cathy DeJong, Washington Educational Association, Auburn Education Association.

House Amendment(s): The House amendment eliminates the year-of-service shared leave cap formulation and replaces it with a standard cap of 522 days, regardless of an employee's length of service. Additionally, it authorizes employers to grant leave above the 522 day cap in extraordinary circumstances if an employee suffers from severe illness, injury, impairment, or physical or mental conditions.