

HOUSE BILL REPORT

ESHB 1434

As Passed Legislature

Title: An act relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

Brief Description: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

Sponsors: House Committee on State Govt, Elections & IT (originally sponsored by Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet; by request of Office of Financial Management).

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/1/17, 2/7/17 [DPS];
Appropriations: 2/20/17, 2/21/17 [DPS(SEIT)].

Floor Activity:

Passed House: 3/1/17, 68-30.
Passed House: 1/31/18, 73-21.
Passed Senate: 2/27/18, 49-0.
Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Authorizes shared leave for parental leave and for sickness or temporary disability due to pregnancy disability.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 6 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton, Gregerson, Kraft and Pellicciotti.

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.

Minority Report: Without recommendation. Signed by 2 members: Representatives Volz, Assistant Ranking Minority Member; Irwin.

Minority Report: Do not pass. Signed by 1 member: Representative Koster, Ranking Minority Member.

Staff: Sean Flynn (786-7124).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on State Government, Elections & Information Technology be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Chandler, Ranking Minority Member; Buys, Caldier, Condotta, Haler, Harris, Schmick, Taylor, Vick, Volz and Wilcox.

Minority Report: Without recommendation. Signed by 3 members: Representatives Stokesbary, Assistant Ranking Minority Member; Manweller and Nealey.

Staff: David Pringle (786-7310).

Background:

The purpose of the Shared Leave Program (Program) is to permit state employees 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. 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 institutions of state government, institutions of higher education, educational service districts, school districts, and the Legislature.

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

- suffers from an illness, injury, impairment, or extraordinary or severe physical or mental condition;
- has a household member or relative who suffers from one of those conditions;
- is a victim of domestic violence, sexual assault, or stalking;
- volunteers to assist in a state of emergency declared by the state or federal government; or
- has been called to service in the uniformed services.

The employee also must have depleted or will shortly deplete his or her annual leave and other relevant types of leave. Due to the circumstances above, the employee must be likely to take leave without pay or terminate employment.

Agency heads determine the amounts of shared leave that employees may receive. Employees must not receive more than 522 days of shared leave, except when a supervisor authorizes such leave in certain extraordinary circumstances.

Summary of Engrossed Substitute Bill:

The purpose of the Shared Leave Program (Program) is modified to permit employees to help fellow employees who are sick or temporarily disabled due to pregnancy disability or for parental leave. Agency heads may permit employees to receive shared leave for parental leave, or for sickness or temporary disability due to pregnancy disability. Employees are not required to deplete all of their annual and sick leave, and may maintain up to 40 hours of annual leave and 40 hours of sick leave in reserve.

For purposes of the Program, "parental leave" is defined as leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to 16 weeks after the birth or placement. "Pregnancy disability" is defined as a pregnancy-related medical condition or miscarriage.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2018.

Staff Summary of Public Testimony (State Government, Elections & Information Technology):

(In support) The Office of Financial Management sponsored the legislation recognizing that Washington wants to be a family friendly state. Currently there is no paid leave for family related issues. Shared leave enables employees to support each other and facilitates employee retention.

(Opposed) None.

(Other) The shared leave program set a concerning precedent with regard to collectively bargained contracts.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill enacts part of the state employee collective bargaining agreements. Without these changes to the leave statutes, the bargained provisions will not go into effect. The terms of this bill are the result of problem-solving at the bargaining table, and it will make employment with the state more attractive to new employees.

(Opposed) None.

Persons Testifying (State Government, Elections & Information Technology): (In support) Scott Merriman, Office of Financial Management; and Dennis Eagle, Washington Federation of State Employees.

(Other) Maxford Nelson, Freedom Foundation.

Persons Testifying (Appropriations): Scott Merriman, Office of Financial Management; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying (State Government, Elections & Information Technology): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.