

HOUSE BILL REPORT

HB 1078

As Reported By House Committee On:

State Government

Title: An act relating to military leave for public employees.

Brief Description: Addressing military leave for public employees.

Sponsors: Representatives Dunshee, Stensen, Hurst, Lovick and Fortunato.

Brief History:

Committee Activity:

State Government: 2/3/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- Authority for public employee military leave is expanded to include inactive duty training.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and Lambert.

Staff: Scott MacColl (786-7106).

Background:

Officers and employees of the state and local governments who are members of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserves are granted military leave of absence from employment for not more than 15 days in a calendar year.

Military leave of absence is in addition to any vacation or sick leave accrued, and cannot affect an employee's efficiency rating, privileges or pay. During such leave, the officer or employee receives his or her normal pay.

Currently, leave can be granted for two reasons, active duty or active training duty. Active duty means being called into active service by the federal government. Active training duty refers to the two weeks annual training required for members of the armed forces reserves every year. The federal act expressly includes a third alternative, called inactive training duty, which allows leaves of absences for members to attend regular meetings or drills which may fall during their working hours that does not fall under the other two definitions. However, the federal act does not require states to comply with this rule, and leaves changes up to individual states.

Summary of Substitute Bill:

Military leave is authorized for a third type of duty, called inactive training duty. This refers to the requirement that reserves report for training one weekend per month, regular meetings, or drills in addition to the two week active training requirement. The same rules of leave would apply for weekend duty, including protection from loss of pay, privilege, vacation or efficiency rating.

The definition of local governments that are required to comply with granting military leave for reserve duty is expanded to include any municipal or quasi-municipal corporation or any subdivision thereof.

Substitute Bill Compared to Original Bill: The term 'inactive training' in the bill is altered to reflect the federal definition, which is 'inactive training duty'. Also, a clarification is made to require that municipal or quasi-municipal governments, or any subdivision thereof, continue to pay the reserve at their normal rate during absence.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) The term 'inactive duty training' is a technical legal term that the Department of Defense uses. The original language was referring to a weekday that means a 9 to 5 job. Firefighters don't work normal hours, and reporting for duty for a night meeting might cost them a day of leave that is not covered by the existing military leave statute. Eighteen years as a military reserve member and fire fighter, and not once has he had to use all 15 days of military leave.

Testimony Against: None.

Testified: Representative Dunshee, prime sponsor; and Bryan Hunt, Snohomish County Fire District #3.