
**Community Development, Housing &
Tribal Affairs Committee**

HB 2851

Brief Description: Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

Sponsors: Representatives Reeves, Rodne, Peterson, McCaslin and Haler.

Brief Summary of Bill

- Allows employees that are scheduled to work shifts that continue into a second calendar day to be charged for only one day of military leave, and for shifts that continue into a third calendar day or further, to be charged for all days but the last calendar day of the shift.

Hearing Date: 1/23/18

Staff: Travis Yonker (786-7383).

Background:

An employee of the state, or its political subdivisions, who is a member of the National Guard or a member of a branch of the United States armed forces, is entitled to military leave from his or her employment for up to 21 days during each year, defined as beginning on October 1 and ending the following September 30. This military leave is in addition to any vacation or sick leave accrued by the employee.

An employee is charged military leave only for the days that he or she is scheduled to work for the state or other political subdivision. There is no statutory definition of day in the context of calculating military leave, and the common law definition of a day as being a period of time from one midnight to the next has been applied to this calculation.

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.

For employees that are scheduled to work non-traditional shifts, such as 24-hour shifts, the common law definition of a day has required such employees to be charged two days of military leave since such shifts occur over two separate calendar days.

Summary of Bill:

When an employee requests military leave to cover days for which he or she is scheduled to work, if the employee is scheduled to work a shift that extends into a subsequent calendar day, the employee is charged military leave for only the first calendar day of the shift. If the shift extends into later subsequent days, the employee is charged military leave for each calendar day of the shift except the calendar day on which the shift finally ends.

Appropriation: None.

Fiscal Note: Requested on 1/22/18.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.