

# SENATE BILL REPORT

## HB 2851

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As Passed Senate, February 28, 2018

**Title:** An act relating to clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

**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 History:** Passed House: 2/07/18, 98-0.

**Committee Activity:** State Government, Tribal Relations & Elections: 2/16/18, 2/21/18 [DP].

**Floor Activity:**

Passed Senate: 2/28/18, 49-0.

### 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.

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## SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

**Staff:** Melissa Van Gorkom (786-7491)

**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.

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*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.*

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, so 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.

For employees that are scheduled to work nontraditional 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 the employee 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:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill comes from an attorney general interpretation of military service credit for individuals who work nontraditional hours which indicated that because day is not defined in the statute, it must be defined from midnight to midnight. This bill clarifies that to allow for each day worked to be charged for one day of military leave. Hiring veterans who served the country is important and makes our state safer and stronger. The knowledge skills and abilities that these veterans have make them a valuable resource. In the world of a firefighter, a day is not traditional and it is hard to meet the reserve obligation and requirements for reserve service without this change. There is a strong need for the passage of this bill to help veterans.

**Persons Testifying:** PRO: Representative Kristine Reeves, Prime Sponsor; Jerry Fugich, Veterans Legislative Coalition; Geoff Simpson, Washington State Council of Fire Fighters; Alex McCracken, citizen.

**Persons Signed In To Testify But Not Testifying:** No one.