

HOUSE BILL REPORT

HB 2739

As Passed Legislature

Title: An act relating to adjusting certain requirements of the shared leave program.

Brief Description: Adjusting certain requirements of the shared leave program.

Sponsors: Representatives Kloba, Stonier, Appleton, Davis and Duerr.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/29/20, 1/31/20 [DP].

Floor Activity:

Passed House: 2/17/20, 96-1.

Senate Amended.

Passed Senate: 3/6/20, 49-0.

House Refused to Concur.

Senate Receded.

Senate Amended.

Passed Senate: 3/10/20, 49-0.

House Concurred.

Passed House: 3/10/20, 97-0.

Passed Legislature.

Brief Summary of Bill

- Provides that employees may maintain up to 40 hours of applicable leave in reserve and may not be required to deplete all leave to qualify for shared leave.
- Permits an agency head to grant shared leave to an employee if the employee or a relative or household member is isolated or quarantined due to the 2019 novel coronavirus (COVID-19).
- Allows intermittent and nonconsecutive use of shared leave.
- Adjusts certain requirements for when parental leave may be used following shared leave taken for a pregnancy disability.
- Removes the requirement that an employee pursue and be found ineligible for industrial insurance wage benefits for shared leave eligibility.

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.

- Limits the amount of shared leave that an employee may receive when also receiving industrial insurance wage replacement benefits to 25 percent of base salary.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Carrington Skinner (786-7192).

Background:

The shared leave program permits state employees to provide annual leave, sick leave, or personal holidays to fellow employees experiencing certain circumstances that may cause them to take leave without pay or terminate their employment. Covered employees include those employed by school districts and educational service districts.

Agency heads may permit an employee to receive shared leave in specified circumstances, including when the employee, or a relative or household member of the employee, suffers from an extraordinary or severe illness, injury, impairment, or physical or mental condition. To qualify for shared leave under this condition, an employee must have depleted or will shortly deplete his or her annual leave and sick leave reserves. The Office of Financial Management and the Superintendent of Public Instruction administer rules that implement the shared leave program consistent with state law, including the requirement that employees must first use all of certain types of leave before using shared leave.

Within certain parameters, agency heads determine the amount of leave, if any, an employee may receive. Any unused leave is returned at its original value to the employee or employees who transferred the leave when the agency head finds the leave is no longer needed or will not be needed at a future time in connection with the underlying condition. Unused leave may not be returned until certain conditions are met.

Industrial insurance provides partial wage replacement benefits to workers injured in the course of their employment in the form of monthly temporary time-loss or permanent total disability benefits. The amount of benefits is based on the worker's preinjury wages and depends on the worker's marital status and number of children. Employees must diligently pursue and be found ineligible for industrial insurance wage benefits to be eligible for shared leave.

On February 29, 2020, the Governor issued a proclamation declaring a State of Emergency for all counties throughout the State of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and the confirmed person-to-person spread of COVID-19 in Washington.

Summary of Bill:

For purposes of the shared leave program, "shortly deplete" means that an employee has 40 hours or less of applicable leave. An employee may maintain up to 40 hours of applicable leave in reserve and may not be required to deplete all leave to qualify for shared leave. Agency heads may not prevent state employees from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under specified procedures for shared leave.

An agency head may grant shared leave to an employee without regard to other shared leave requirements if the employee or a relative or household member is isolated or quarantined due to COVID-19. This type of shared leave may be granted until the Governor's State of Emergency declaration related to COVID-19, or any amendments thereto, expires.

The requirement that an employee diligently pursue and be found ineligible for industrial insurance wage replacement benefits is removed. An employee receiving wage replacement benefits may not receive more than 25 percent of base salary as a result of receiving shared leave.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 2, relating to granting shared leave for COVID-19 quarantine or isolation, adjusting shared leave requirements as they relate to industrial insurance wage benefits, using shared leave intermittently, and defining "shortly deplete" for purposes of the shared leave program, which contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This bill originated with a constituent who teaches in the Edmonds School District and has a child with multiple chronic conditions that require intermittent attention. He found that, given current policy, employees would be required to be on full-time leave and exhaust all or nearly all leave to accept shared leave. Across Washington, many people going through difficult circumstances are helped by caring colleagues that support them through shared leave donations. This bill provides clarification on current law and also helps people who have intermittent health needs.

(Opposed) None.

Persons Testifying: Representative Kloba, prime sponsor; Lorrell Noahr, Washington Education Association; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.