

# HOUSE BILL REPORT

## HB 2739

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### As Amended by the Senate

**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.

#### Brief Summary of Bill

- Provides that state employees seeking shared leave due to illness, injury, impairment, or physical or mental condition are not required to deplete all of their annual and sick leave before receiving shared leave.
- Allows intermittent and nonconsecutive use of shared leave.

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#### 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:

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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.*

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.

#### **Summary of Bill:**

Employees seeking shared leave due to illness, injury, impairment, or physical or mental condition are not required to deplete all of their annual and sick leave before receiving 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 unused leave.

#### **EFFECT OF SENATE AMENDMENT(S):**

##### The Senate amendment:

- adds an emergency clause for section 2 of the 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), and requires the Governors' Office to provide notice of the expiration of the Governor's COVID-19 State of Emergency Declaration to the Chief Clerk of the House of Representatives, the Secretary of the Senate, the Office of the Code Reviser, and others;
- requires parental leave in the shared leave program to be used in the 16 weeks immediately following birth or placement, but provides that a person who also receives shared leave due to a pregnancy disability may take parental leave in the 16 weeks immediately following the pregnancy disability leave so long as the leave is used within one year following birth;
- removes the requirement that an employee pursue and be found ineligible for industrial insurance wage benefits to qualify for shared leave; and

- limits the amount of shared leave that an employee may receive when also receiving industrial insurance wage replacement benefits to no more than 25 percent of base salary.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**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.