

HOUSE BILL REPORT

ESSB 6724

As Reported by House Committee On:
State Government & Tribal Affairs
Ways & Means

Title: An act relating to the leave sharing program.

Brief Description: Addressing the shared leave program.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/19/10, 2/23/10 [DP];
Ways & Means: 2/27/10 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Increases the number of days of shared leave an employee may receive from 261 days to 522 days, and permits employers to authorize shared leave use beyond 522 days in extraordinary circumstances.
- Authorizes employees of a school district or educational service district to share and receive leave with employees of other agencies and districts.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

Staff: Tracey O'Brien (786-7196).

Background:

In 1989 the Legislature enacted the Washington State Leave Sharing Program (Program) for state employees. The stated purpose of the Program is to permit state employees to donate

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annual leave, sick leave, or personal holidays to fellow state employees who are suffering from, or have relatives or household members who are suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. This Program also permits shared leave for an employee who is a victim of domestic violence, sexual assault, or stalking. An employee called to military service may also be granted shared leave. In addition, shared leave may be authorized for emergency volunteer service connected with state or federally declared emergencies anywhere in the United States when the emergency volunteer service would cause the employee to take leave without pay or to terminate state employment, and the employee has depleted, or will shortly deplete, his or her annual and sick leave reserves. Qualifying employees must have skills necessary for the humanitarian relief organized and have been accepted as a volunteer by either a governmental or nonprofit organization engaged in that effort.

An employee may transfer leave to another employee of the same agency as long as a certain balance is maintained. An employee may transfer annual leave, sick leave, or all of his or her personal holiday to an employee in the Program. In addition, an employee may transfer leave to an employee of another agency if the transfer is approved by the heads of both agencies.

Employees of school districts or education service districts (ESDs) may only transfer leave between employees within the same employing district.

If an employee qualifies to participate in the Program, the agency head determines the amount of leave, not to exceed 261 days, that the employee may receive. The agency head also determines when the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which it was granted.

Summary of Bill:

The amount of shared leave a qualifying employee may be authorized by the agency head to receive is adjusted. For an employee with fewer than 10 years of service, he or she may still only receive a maximum of 261 days. For an employee with at least 10 years but fewer than 20 years of service, he or she may receive a maximum of 522 days. For an employee with 20 or more years of service, he or she may receive 783 days of shared leave. Shared leave received under the Uniform Service Shared Leave Pool is not subject to these limits.

Employees of a school district or ESD are authorized to share leave with employees in another agency.

The Director of the Department of Personnel is authorized to adopt rules to implement this act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) It is perplexing that a state employee cannot share leave with a school district or ESD employee. A state employee can share leave with an employee of a different state agency. Under current law, if two teachers were married but employed by different school districts and one became eligible for shared leave, the one spouse cannot share leave with the other spouse. School districts are already set up to share leave within the district; therefore, it should have no cost. The language in the bill is permissive not mandatory so it is still up to the individual districts. This is the right thing to do for severely ill employees.

In addition, increasing the cap on shared leave based on employee's years of service would allow colleagues to continue to help seriously ill employees. There are only about 16 long-term state employees at the current statutory maximum and changing the limits would be extremely helpful for these employees.

(With concerns) Although sympathetic to the issues, there is concern about the fiscal impact. What is the cost when the leave goes beyond a year? In addition, the cost of a substitute teacher after 20 days increases and the substitute teacher becomes a full-time employee. It is unclear how the shared leave will be processed between schools districts, ESDs, and state agencies.

(Opposed) None.

Persons Testifying: (In support) Senator Fraser; Molly Serna; Theresa Doherty; Ann Randall, Washington Education Association; Alia Griffing, Washington Federation of State Employees; and Dan Coyne.

(With concerns) Mitch Denning, Alliance of Educational Associations.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended. Signed by 22 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick and Seaquist.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On State Government & Tribal Affairs:

The years-of-service based tiered cap on shared leave use is eliminated and replaced with an increase in the cap to 522 days regardless of length of service. Employers are permitted to authorize shared leave use beyond 522 days in extraordinary circumstances for employees that suffer from severe illness, injury, impairment, or physical or mental conditions.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This past October I was diagnosed with ovarian cancer. I cannot possibly work in my condition, and my colleagues have donated a great deal of leave to me. But my sister, a state employee, cannot donate leave to me, and nor can employees from other school districts. My immunity is low from my treatments, and I hope that some more shared leave will allow my students to have the type of instruction they deserve. I have 900 hours of accumulated sick leave and I would like to give some of it to my sister who happens to work for a school district. Originally these provisions were part of two separate bills. It does not grant employees additional leave. Currently there are about 16 employees that have maxed out their receipt of shared leave under the current rules. This bill impacts every K-12 educator that suffers from catastrophic illness. There is a one-time cost to set up the system, but we disagree with Office of the Superintendent of Public Instruction's (OSPI) initial estimates about the increased costs due to paying substitute employees for costs attributable to additional shared leave.

(Concerns) We have concerns that there is information from the OSPI that suggests a second full year of impact cost from the changes to school districts of about \$8.6 million.

(Opposed) None.

Persons Testifying: (In support) Molly Serna; Theresa Doherty; Alia Griffing, Washington Federation of State Employees; and Lucinda Young, Washington Education Association.

(With concerns) Mitch Denning, Alliance of Educational Associations.

Persons Signed In To Testify But Not Testifying: None.