

# SENATE BILL REPORT

## SB 5295

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As Reported by Senate Committee On:  
State Government, Tribal Relations & Elections, January 19, 2018

**Title:** An act relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

**Brief Description:** Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

**Sponsors:** Senators Braun, Ranker, Hasegawa, Keiser and Chase; by request of Office of Financial Management.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/17/18, 1/19/18 [DPS].

**Brief Summary of First Substitute Bill**

- Allows employees to use the shared leave program for a pregnancy disability and parental leave.
- Defines parental leave and pregnancy disability.

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

**Majority Report:** That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass.

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

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

**Background:** Shared Leave Program. In 1989, the Legislature enacted the Washington State Leave Sharing Program (Program) for state employees. The stated purpose of the Program was to permit state employees to donate annual leave, sick leave, or personal

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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 their employment. The Program does not currently permit state employees to provide leave to fellow state employees who have a pregnancy disability.

The agency head determines the amount of leave, if any, an employee may receive under this section; however, an employee may not receive a total of more than 522 days of leave unless extraordinary circumstances apply.

Employees may transfer a specified amount of sick leave to an employee requesting shared leave as long as they maintain a minimum of 176 hours of sick leave or 10 days of annual leave after the transfer.

Foster Parent Shared Leave Pool. In 2017 the legislature authorized a Foster Parent Shared Leave Pool (pool) to allow state employees to donate leave to be used by any state employee who is a licensed foster parent to care for or prepare to accept a foster child into their home. The pool is administered by the Department of Social and Health Services, in consultation with the Office of Financial Management. Participation in the pool is voluntary, any leave paid out of the pool must not exceed the level of the employee's state monthly salary, and leave under the pool may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

Family and Medical Leave Insurance Program. In 2017, a paid family and medical leave insurance program was established. The program is funded by premiums paid by employers and employees and administered by the Employment Security Department. Paid family leave benefits may be provided under the program when an employee is bonding after the birth or placement of a child, under the age of eighteen. Employees are eligible for family and medical leave benefits after working for at least 820 hours in employment during the qualifying period. The combined total of family and medical leave is sixteen weeks. An additional two weeks of leave may be used if the employee has a serious health condition with a pregnancy that results in incapacity, for a combined total of eighteen weeks.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (First Substitute):** An agency head may permit an employee to receive donated personal holidays, annual leave, or sick leave if the employee is sick or temporarily disabled because of a pregnancy disability or for the purpose of parental leave.

The employee is not required to deplete all of their annual leave and sick leave to be eligible for shared leave for a pregnancy disability or parental leave and can maintain up to 40 hours of annual leave and sick leave in reserve.

Parental leave means leave to bond and care for:

- a newborn child after birth; or
- a child after placement for adoption or foster care, for a period of up to 16 weeks after the birth or placement.

Pregnancy disability means a pregnancy-related medical condition or miscarriage.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill takes effect on July 1, 2018.

**Staff Summary of Public Testimony on First Substitute:** PRO: This bill creates a voluntary shared leave program for state employees and implements a provision of the collective bargaining agreements that the legislature approved last year. This does not add more leave, it just makes use of that leave more efficiently. The cost is minor but will have a huge impact on the lives of the state employees who are able to take advantage of it.

**Persons Testifying:** PRO: Scott Merriman, Office of Financial Management; Seamus Petrie, Washington Public Employees Association; Dennis Eagle, Washington Federation of State Employees.

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