

HOUSE BILL REPORT

HB 1927

As Passed House:

February 8, 2022

Title: An act relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service.

Brief Description: Creating leave provisions for legislative service.

Sponsors: Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/25/22, 2/1/22 [DP].

Floor Activity:

Passed House: 2/8/22, 80-16.

Brief Summary of Bill

- Provides a protected leave of absence from public employment for members of the Legislature.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske, Harris and Ortiz-Self.

Minority Report: Do not pass. Signed by 1 member: Representative Hoff, Ranking Minority Member.

Staff: Lily Smith (786-7175).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Legislative Service.

The Washington Constitution provides for the Legislature to be convened each year only for a limited number of days, unless a special session is convened. The state Legislature is commonly referred to as a type of citizen legislature, where legislators may maintain outside employment while in office.

Protected Employment.

State and federal laws provide for leave from employment for limited purposes, such as for family or medical leave. Leave for other purposes is provided for specific types of employees, including volunteer firefighters, spouses of deployed military personnel, and domestic violence victims. When certain criteria are met, an employer generally may not discharge or take other adverse employment action against an employee for taking leave.

Some specific types of government employees may perform outside employment or service with employment protections, such as members of the military and emergency management service providers. Civil service employees of the state or of local governments may serve in elected office while retaining civil service status, including seniority, rank, and retirement status, when elected or appointed to an elective office, so long as they continue to make the usual contribution for such benefits. State retirement systems generally grant credit for leaves of absences taken for serving as a member of the Legislature.

Summary of Bill:

A state or local government employer must grant a temporary leave of absence, without loss of job status or seniority, to an employee who is a member of the state Legislature. The leave granted may be unpaid, or the employee may substitute earned paid leave. An employer is prohibited from discharging or threatening to discharge an employee for taking the leave.

An employee seeking a temporary leave of absence must provide notice:

- at least 30 days in advance for a regular legislative session; or
- as soon as the session is proclaimed for a special session.

An employee may bring a civil action for reinstatement of their position. No public resources may be used, directly or indirectly, to bring or maintain the action.

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) Teachers, firefighters, and other public employees serve in the Legislature. It is important to have diverse representation, and allow people from all sectors to participate in a robust democracy. We should ensure there are no repercussions for those that want to enter public service.

(Opposed) None.

Persons Testifying: Representative Marcus Riccelli, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.