

HOUSE BILL REPORT

HB 2283

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to allowing state employees living in an emergency or disaster area to receive shared leave.

Brief Description: Allowing state employees living in an emergency or disaster area to receive shared leave.

Sponsors: Representatives Volz, Rule, Senn, Davis, Ramel, Bronoske, Low, Schmidt, Doglio, Ormsby, Riccelli, Chapman and Timmons.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/23/24, 1/31/24 [DPS].

Brief Summary of Substitute Bill

- Permits state employees to take shared leave when they are adversely affected by a major disaster.
- Creates a shared leave pool for the purposes of receiving donations and disbursing shared leave to eligible employees.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Ramos, Chair; Stearns, Vice Chair; Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Staff: Jason Zolle (786-7124).

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.

Shared Leave.

The shared leave program permits state employees to provide annual leave, sick leave, or personal holidays to fellow employees experiencing certain circumstances that may otherwise cause them to take leave without pay or terminate their employment. Employees must first use all of certain types of leave before using shared leave. Covered employees include those employed by school districts and educational service districts. Within certain parameters, agency heads determine the amount of leave, if any, an employee may receive.

Agency heads may permit an employee to receive shared leave in specified circumstances, including when the employee:

- suffers from an extraordinary or severe illness, injury, impairment, or physical or mental condition;
- has been called to service in the uniformed services;
- is a current member of the uniformed services or a veteran and is receiving service-connected medical appointments or treatments;
- volunteers to assist a government agency or humanitarian relief effort in response to a state of emergency in the United States;
- is a victim of domestic violence, sexual assault, or stalking; or
- needs to take time for parental leave, or for a pregnancy-related illness or disability.

The Office of Financial Management and the Superintendent of Public Instruction administer rules that implement the shared leave program.

Major Disaster Declarations.

In the event of a natural catastrophe, such as a hurricane, tornado, or earthquake, the President of the United States may determine that the disaster causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement state, local, and nongovernmental resources in addressing the damage and suffering. In such cases, the President may issue a Major Disaster Declaration (Declaration). A Declaration may also be issued in response to a fire, flood, or explosion regardless of cause, or an emergency that requires federal assistance to save lives and to protect property and public health and safety.

For a Declaration to be issued, the Governor of the affected state must first submit a request to the President. The Governor must certify that the state has taken the appropriate response under state law and has executed the state's emergency plan. Once a Declaration has been issued, the President may direct federal agencies to support state and local recovery efforts, coordinate all disaster relief assistance, provide technical and advisory assistance on certain topics, and provide other types of support. Federal law also permits certain financial assistance to affected individuals and households. Costs for certain federal activities are shared with state and local governments. The President may also direct the Office of Personnel Management to establish an emergency transfer leave program for federal employees who are adversely affected by a disaster or emergency.

Summary of Substitute Bill:

A shared leave pool is created to allow state employees to donate leave to be used as shared leave for a fellow employee who is adversely affected by a major disaster. Shared leave is donated to the pool and not to a specific employee. Employees of school districts and educational service districts are not eligible to receive shared leave from this pool. Leave donated to the pool that is not used by the end of disaster period, as determined by the agency based on the severity of disaster, must be returned to the donor. The pool is administered by the Military Department in consultation with the Office of Financial Management.

"Major disaster" is defined to mean a major disaster as declared by the President pursuant to federal law. "Adversely affected" is defined to mean the major disaster has caused severe hardship to an employee or family member such that the employee is required to be absent from work.

Substitute Bill Compared to Original Bill:

The scope of the shared leave available under the bill is modified. First, the substitute bill creates a shared leave pool for purposes of disaster-related shared leave, rather than adding disaster-related need to the list of permissible uses for shared leave under the shared leave program. Employees donate leave to the pool, rather than to a specific individual. School district and educational service districts are no longer eligible for disaster-related shared leave.

Shared leave is no longer available to employees who live in an area affected by an "emergency or disaster," defined as a situation in which immediate action is needed to protect life, public health, or public property, or a gubernatorial state of emergency is warranted. Shared leave is instead available to an employee who is "adversely affected" by an emergency or disaster for which the President has issued a Major Disaster Declaration under federal law.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Last year there were rather severe fires in Spokane County that caused significant loss of property and life. This bill is too late to help folks who suffered in those

fires, but the bill intends to allow shared leave so that people may help out their colleagues in times of crisis like that. The bill does not add vacation or leave, so it is cost neutral. It provides a small measure of relief and comfort to someone to know they will be able to take off work to take care of logistics while their house is burning without having to worry about whether they had banked enough leave to maintain their employment.

(Opposed) None.

Persons Testifying: Representative Mike Volz, prime sponsor; and Mike Yestramski and Ashley Fueston, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.