

# SENATE BILL REPORT

## SHB 2283

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As of February 14, 2024

**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:** House Committee on State Government & Tribal Relations (originally sponsored by Representatives Volz, Rule, Senn, Davis, Ramel, Bronoske, Low, Schmidt, Doglio, Ormsby, Riccelli, Chapman and Timmons).

**Brief History:** Passed House: 2/9/24, 97-0.

**Committee Activity:** State Government & Elections: 2/15/24.

### Brief Summary of Bill

- Creates a major disaster shared leave pool for receiving voluntary donations and disbursing shared leave to eligible employees.

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## SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Staff:** Danielle Creech (786-7412)

**Background:** Shared Leave. The shared leave program permits state employees to donate their 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 exhaust 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. An employee may request to transfer a specified amount of annual leave to another eligible employee, but the donating employee may not transfer an amount that would result in their annual leave account going below ten days. An employee may

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transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of 176 hours of sick leave after the transfer.

To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis. An employee who uses donated leave may not be required to repay the value of the leave used.

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 hardship. 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 Bill:** A major disaster shared leave pool is established to allow employees to donate leave to be used as shared leave by employees who are adversely affected by a major

disaster. A major disaster is defined to mean a major disaster declared by the President pursuant to federal law. Participation is voluntary and employees may only donate leave to the shared leave pool, not to specified recipients. Leave donated to the shared leave pool may only be used by employees affected by that major disaster. Any unused leave in the shared leave pool at the end of the specified period must be returned within a reasonable period of time to donors still employed by the agency.

The amount of leave donated by an employee during a calendar year must not exceed the maximum amount of leave accrued by the donating employee during that year. An employee who receives shared leave from the pool is not required to recontribute such leave.

The Military Department in consultation with the Office of Financial Management shall administer the major disaster shared leave pool, and adopt rules and policies governing the donation and use of shared leave from the pool. Employees of school districts and educational service districts are not eligible to donate or receive shared leave from this pool. Higher education institutions must adopt policies consistent with the needs of the employees under their respective jurisdictions.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.