Multiple Agency Fiscal Note Summary

Bill Number: 2283 S HB Title: Shared leave/disasters

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25			2025-27				2027-29				
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Financial	.0	0	0	0	.0	0	0	0	.0	0	0	0
Management												
Military	.5	126,180	126,180	126,180	1.0	240,860	240,860	240,860	1.0	240,860	240,860	240,860
Department												
SWF Statewide	Non-zei	o but indeterm	inate cost and/o	or savings. Ple	ease see	discussion.						
Fiscal Note - OFM												
Total \$	0.5	126,180	126,180	126,180	1.0	240,860	240,860	240,860	1.0	240,860	240,860	240,860

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Financial	.0	0	0	.0	0	0	.0	0	0
Management									
Military Department	.0	0	0	.0	0	0	.0	0	0
SWF Statewide Fiscal	.0	0	0	.0	0	0	.0	0	0
Note - OFM									
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone:	Date Published:
	(360) 280-3973	Final 2/9/2024

Individual State Agency Fiscal Note

Bill Number: 2283 S HB	Title: Shared leave/disasters	Agency:	105-Office of Financial Management
Part I: Estimates			
X No Fiscal Impact			
Estimated Cash Receipts to:			
NONE			
Estimated Operating Expenditure NONE	es from:		
Estimated Capital Budget Impact:			
NONE			
The cash receipts and expenditure es and alternate ranges (if appropriate	stimates on this page represent the most likely fis), are explained in Part II.	scal impact. Factors impacting	he precision of these estimates,
Check applicable boxes and follo	w corresponding instructions:		
If fiscal impact is greater than form Parts I-V.	\$50,000 per fiscal year in the current biens	nium or in subsequent biennia	, complete entire fiscal note
If fiscal impact is less than \$5	50,000 per fiscal year in the current bienniu	m or in subsequent biennia, c	omplete this page only (Part I).
Capital budget impact, compl	ete Part IV.		
Requires new rule making, co	omplete Part V.		
Legislative Contact:		Phone:	Date: 02/05/2024
Agency Preparation: Keith Thu	unstedt	Phone: 360-810-1271	Date: 02/06/2024
Agency Approval: Jamie Lan	ngford	Phone: 360-902-0422	Date: 02/06/2024
OFM Review: Val Terre		Phone: (360) 280-3973	Date: 02/06/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This substitute version altered the program for disaster-related shared leave, from the previous version, such that employees donate to a shared leave pool rather than donating to a specific individual and narrowed the availability of shared leave from employees who "live in an area affected by an emergency or disaster" to those "adversely affected by a major disaster." These changes did not affect OFM's fiscal impact assumptions from the previous version.

S HB 2283:

Section 1 creates a major disaster shared leave pool to allow employees to donate leave to be used as shared leave for any employee where a major disaster has caused severe hardship to the employee or a family member of the employee that requires the employee to be absent from work. The military department, in consultation with OFM, shall administer the shared leave pool.

The bill requires an update to civil service rules and relevant portions of collective bargaining agreements. This work can be absorbed within existing resources. There is no fiscal impact to OFM.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2283 S I	HB Title:	Shared leave/disast	ers		Agency: 245-Military Department		
Part I: Estimates	-			1			
No Fiscal Impact							
Estimated Cash Receipts	s to:						
NONE							
Estimated Operating Ex	nenditures from:						
		FY 2024	FY 2025	2023-25	2025-27	2027-29	
FTE Staff Years		0.0	1.0	0).5	1.0 1.0	
Account General Fund-State	001-1	0	126,180	126,18	80 240.	,860 240,860	
General Fund-State	Total \$	0	126,180	126,18			
The cash receipts and expand alternate ranges (if a			e most likely fiscal in	mpact. Factors i	mpacting the precis	ion of these estimates,	
Check applicable boxes	s and follow corresp	onding instructions:					
X If fiscal impact is g form Parts I-V.	reater than \$50,000	per fiscal year in the	current biennium	or in subseque	nt biennia, comple	ete entire fiscal note	
If fiscal impact is le	ess than \$50,000 pe	r fiscal year in the cur	rrent biennium or	in subsequent	biennia, complete	this page only (Part I)	
Capital budget imp	act, complete Part I	V.					
Requires new rule	making, complete P	art V.					
Legislative Contact:			I	Phone:	Date	e: 02/05/2024	
Agency Preparation:	Serina Roberts		I	Phone: 253512'	7388 Date	e: 02/08/2024	
Agency Approval:	Regan Hesse		I	Phone: 253-512	2-7698 Date	e: 02/08/2024	
OFM Review:	Val Terre		I	Phone: (360) 28	30-3973 Date	e: 02/09/2024	

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1(1) - Creates a major disaster shared leave pool that allows state employees (excluding school districts and educational service districts per Section 1(13)) to donate leave to be used as shared leave for any employee adversely affected by a major disaster. "Adversely affected" is defined to mean the disaster caused severe hardship to the employee or a family member of the employee that requires the employee to be absent from work.

Assumptions:

- · This is for any major disaster declaration declared by the President of the United States that is approved for federal Individual Assistance, per section 1(13).
- · Eligible employees include general service, WMS, exempt and higher education employees.
- · Family member is not defined so includes any family member.

Section 1(2) - Participation is voluntary. Directs the Military Department in consultation with OFM to administer the major disaster shared leave pool. Donations can only be made to this pool and not a specific person.

Assumptions:

- · The Military Department will administer the program in consultation with OFM.
- · Requires creation of program documents to include forms, website, Q&A's, and outreach materials.
- · Requires creation of Military Department internal processes and procedures.
- · Requires significant outreach to notify employees and agencies of the new program.
- · Requires significant contact with employees and agencies to respond to and answer questions related to the program and status of leave donations to and from the pool.
- · There could be a significant workload increase for medium to large disasters in urban areas where the Military Department is receiving numerous donations and requests from employees to receive leave from the pool.

Section 1(3) - Leave must be donated for a specific major disaster and cannot cover more than one disaster. If the leave is not used it must be returned to the employee(s) who donated it who still work for the state, (except if the amount is too small to make it administratively impractical). Leave returned must be in the same proportion as the amount of leave donated by each leave donor. Leave recipients must only use any leave received from the pool for purposes related to major disaster declaration.

Assumptions:

- · The leave pool for every major disaster declaration must be tracked and reconciled separately.
- · Requires outreach to request donations each time there is a major disaster declaration / additional outreach if insufficient donations are received to cover requests from the pool.
- · Employees can only donate to a specific major disaster declaration not to an employee.
- · Employees may donate to multiple disasters with the same donation causing additional work/complexity to split the money into separate accounts.
- · Leave will need be prorated and returned to donors if the leave is not used. Could require significant calculations if there were numerous donations that were not used. Requires Journal Voucher (JV) / Interagency Payment for general service employees or checks to be processed for higher education institutions.
- · Due to the complexity of having a separate pool for each disaster, it will require significant tracking to ensure donations to and from each pool are properly managed.
- · Accounting staff will need to balance and close each leave pool.

Section 1(4) - Agency heads make the determination based on severity of the disaster if employee can be approved to receive donations, how much leave they can receive, and how long they have to use the leave.

Assumptions:

- · In major disasters it may take employees some time to figure out how much leave to request as there are often many unknown issues/questions that need to be worked through. As such this will require coordination with agency HR offices as employees may extend original requests.
- · Per section 1(13), the determination of whether the event qualifies for use of the Disaster Shared Leave Pool will usually happen several months after the event occurs, therefore agency heads and employees will make decisions about use of a potential future shared leave pool without knowing whether or not the shared leave pool will even be created.
- · Requires outreach and coordination to know when to close the account for each major disaster.

Section 1(5) - In order for an employee to donate leave to the major disaster shared leave pool they must be eligible under RCW 41.04.665 (have 10 days of vacation leave / 176 hours of sick leave left after the transfer has occurred or all or part of a personal holiday).

Section 1(6) - An employee of the state of Washington defined in RCW 41.04.655 (who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained) may request shared leave from the major disaster pool (Section 13a excludes school districts and educational service districts employees from the definition of employee).

Assumptions:

· Employees do not have to exhaust their leave balances to request leave from the pool as has been required with other shared leave pool programs.

Section 1(7) - Shared leave can only be granted if there is sufficient leave in the pool for the expected number of hours requested.

Assumptions:

· Upon receipt of a Presidential Disaster Declaration and approval of federal Individual Assistance, the Military Department will establish the associated Major Disaster Shared Leave Pool for that disaster. At that point, employees may begin donating leave, and may request leave based on the leave they took during the qualifying period as established in the disaster declaration. Determinations about whether or not there is sufficient leave in the pool to grant individual requests will be decided based on prioritization and rules to be determined by OFM and the Military Department.

Section 1(8) - Shared leave paid from the pool may not cause an employee to be paid above the employee's state monthly salary.

Assumptions:

- · Requires coordination with the recipient employee's agency to ensure there are no changes in pay from the time the request is sent to Agency Head until it is processed by our agency.
- · Requires coordination with agency receiving leave to ensure they are properly paying employee.

Section 1(9) - Donating employees may not donate more leave to the pool than they accrue for that year.

Assumption:

• This will require coordination with the agencies to ensure donations meet this requirement.

Section 1(10) - Donated leave must be removed from the donating employees personally accumulated leave balance.

Assumption:

· This removal will be completed by the donating agency.

Section 1(11) - Employees receiving donations from the pool are not required to recontribute it unless there is a finding of

wrongdoing.

Section 1(12) - Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

Assumption:

· Will need to calculate the amount of leave in dollars for donations received and donated from the pool.

Section 1(13) - Provides definitions.

"Employees" includes state employees but does not include employees in school districts and educational service districts.

"Major disaster" means a major disaster declared by the president under section 401 of the Stafford act that warrants individual assistance or individual and public assistance from the federal government, or a major disaster or emergency as declared by the president pursuant to 5 U.S.C Sec. 6391. This section of US Code authorizes the President to direct the federal Office of Personnel Management establish an emergency leave transfer program for federal employees.

"Monthly salary" includes monthly salary, special pay and shift differential, but does not include overtime, call back, and standby or performance bonuses.

Assumption:

- The definition of "Major Disaster", and eligibility for the establishment of a Major Disaster Shared Leave Pool, is not limited to events that occur in Washington state. An event in another state that caused a state employee in Washington to take leave to care for a family member could trigger the establishment of a shared leave pool for that disaster.
- · In order for the event to qualify for establishment of a Major Disaster Shared Leave Pool, the event must first receive a Presidential disaster or declaration and be approved for FEMA individual assistance. This determination is based on preliminary damage assessments as reported by the state in which the disaster occurred, and determination by the President is generally made several months after the event occurs. Therefore, the shared leave pool would be established several months after the disaster occurred.
- · Employees impacted by the disaster would most likely need to take leave immediately after the disaster to respond to their own personal impacts. When the shared leave pool is implemented later after the Presidential Disaster Declaration, leave will be donated, awarded, and exchanged retroactively.
- · If an employee is awarded shared leave due to a qualifying disaster, the employee's agency is responsible for retroactive corrections to the employee's leave, W2s, and impacted fiscal periods. Note that these impacts might be for closed fiscal years or calendar years.

Section 1(14) - OFM, in consultation with the Military Department, will develop rules and policies governing the donation and use of shared leave from this pool, including definitions of pay and allowances for agencies to use in record keeping.

Assumptions:

· Military Department will need to work with OFM to create WACs, policies, guidelines, and language for collective bargaining agreements for employees and agencies to use.

Section 1(15) - Agencies must investigate alleged abuse of the shared leave pool. Employees may be required to pay back the pool on a finding of wrongdoing.

Assumptions:

- · Military Department and agencies will need to collaborate to investigate any potential misuse of the pool.
- · Military Department is responsible to notify agencies of any pay back requirements.
- · When paid back Military Department would need to transfer back to donating employee(s), including proper proration.

Section 16 - Higher education institutions shall adopt policies for the pool consistent with the needs of the employees under their respective jurisdictions.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Salary for 1 FTE at Fiscal Analyst 3 (Range 50, Step L \$67,380) in the Payroll Unit to help set up and manage the program.

Benefits calculated at 48% of salary = \$32,342.

Goods and other services are calculated at \$10,000 for desk/workstation, computer, software, office, supplies, and professional development.

Capital expenses are estimated at \$5000 in the first year only for the purchase of a computer, docking station, monitors, and other technology necessary.

Military Department HR, Payroll, and a member from EMD Management staff will work with OFM to help establish WACs, procedures/guidelines, outreach, etc. These responsibilities can be completed by existing staff by temporarily reprioritizing the workload.

Indirect costs are calculated at 15%, and primarily address the accounting staff necessary to process any check payments and assist with reconciling each distinct disaster pool.

Note: Dependent on size and type of the disaster, the Military Department may need to hire on an additional temporary/project staff to process donations to and from the pool as our other HR/Payroll staff would likely not be able to absorb the workload due to the significant increase in workload our staff already take on during disasters.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Туре	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	126,180	126,180	240,860	240,860
		Total \$	0	126,180	126,180	240,860	240,860

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		67,380	67,380	134,760	134,760
B-Employee Benefits		32,342	32,342	64,684	64,684
C-Professional Service Contracts					
E-Goods and Other Services		5,000	5,000	10,000	10,000
G-Travel					
J-Capital Outlays		5,000	5,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		16,458	16,458	31,416	31,416
9-					
Total \$	0	126,180	126,180	240,860	240,860

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fiscal Analyst 3	67,380		1.0	0.5	1.0	1.0
Total FTEs			1.0	0.5	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2283 S HB	Title: Shared leave/disasters	Agency:	SWF-SWF Statewide Fiscal Note - OFM
Part I: Estimates			
No Fiscal Impact			
Estimated Cash Receipts to:			
NONE			
Estimated Operating Expenditur	es from:		
Non-ze	ro but indeterminate cost and/or saving	s. Please see discussion.	
Estimated Capital Budget Impact	:		
NONE			
NONE			
The cash receipts and expenditure and alternate ranges (if appropriat	estimates on this page represent the most likely e), are explained in Part II.	v fiscal impact. Factors impacting t	he precision of these estimates,
Check applicable boxes and follows	ow corresponding instructions:		
X If fiscal impact is greater that form Parts I-V.	n \$50,000 per fiscal year in the current bi	ennium or in subsequent biennia	, complete entire fiscal note
If fiscal impact is less than \$	650,000 per fiscal year in the current bienr	nium or in subsequent biennia, c	omplete this page only (Part
Capital budget impact, comp	olete Part IV.		
Requires new rule making, of			
Legislative Contact:		Phone:	Date: 02/05/2024
Agency Preparation: Kathy C	odv	Phone: 360-480-7237	Date: 02/07/2024
Agency Approval: Jamie La	•	Phone: (360) 870-7766	Date: 02/07/2024
	Ehrlander	Phone: (360) 489-4327	Date: 02/08/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SHB 2283 fiscal note summary:

The substitute creates a shared leave pool for employees adversely affected by a major disaster. The leave pool is to be administered by the Military Department in consultation with the Office of Financial Management.

This substitute version altered the program for disaster-related shared leave, from the previous version, such that employees donate to a shared leave pool rather than donating to a specific individual and narrowed the availability of shared leave from employees who "live in an area affected by an emergency or disaster" to those "adversely affected by a major disaster."

Previous fiscal note summary (HB 2283):

Shared leave is permitted for an employee who lives in an area affected by an emergency or disaster, generally an "event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency."

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

SHB 2283 Fiscal Note Assumptions:

Like the original bill, the substitute bill allows for leave to be shared with employees affected by natural disasters. The original statewide fiscal note discusses how the expansion of shared leave can result in a cost to the state if it changes overall leave utilization (see analysis below). The statewide costs of the original bill that would result from changes in leave utilization is indeterminate because there is not data to quantify the extent to which leave would be used under the terms of the bill and would not have been used otherwise. The cost of the substitute is indeterminate for the same reason.

Although the cost is indeterminate, differences in the substitute may have fiscal impacts. For example, the substitute bill uses a "leave pool" rather than direct sharing. This may make the provisions more accessible since it does not require a direct connection between the individual sharing and the individual receiving leave. However, some individuals may only want to share on an individual basis and that would not be permitted under the substitute bill. Other changes apply specific constraints on use of the leave pool. The substitute excludes school districts and educational service districts, uses a different definition of natural disasters, and has different provisions regarding eligibility. Because details of how the original bill would have been implemented are less clear, the overall cost difference between the original and the substitute cannot be determined.

HB 2283 Fiscal Note Assumptions:

The bill has potential statewide costs to the extent that leave utilization increases if it can be shared under more circumstances. The considerations are slightly different for vacation leave and sick leave. Either may be shared under the provisions addressed by this bill.

Bill # 2283 S HB

Before earned vacation leave is used, it may be forfeited, and forfeited leave generates some savings to the state. This can happen, for example, when an individual has more than 240 hours of leave on their anniversary date. Non-forfeited vacation leave is paid out on separation. In contrast, sick leave is not forfeited above a specific number of hours earned, but unused sick leave is not paid out on separation at full value. Therefore, an increase in the ability to use either vacation leave or sick leave has some cost.

Several current collective bargaining agreements have provisions that limit sharing leave that is about to be forfeited. This would limit the cost impact.

However, the cost is indeterminate for this bill because data is not available to quantify how much shared leave may be used for emergencies or disasters and would not have been used for other qualifying reasons.

Data on vacation forfeitures is available as follows:

Fiscal Year and Hours Forfeited:

FY23 (Jan-June) 34,601.65

FY24 (July-Dec) 30,482.08

For illustrative purposes, assuming a standard work year of 2088 hours, these numbers equate to approximately 31 FTEs (65,084 / 2088 hours) in a standard work year = 31.17). According to OFM's State Human Resources Workforce Data and Trends, the median employee rate of pay for 2023 was \$77,460/year. Multiplying this salary by 31 FTEs implies that the total savings from all forfeited leave in a year is approximately \$2.4 million.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.