

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass  
**Vote:** 5 - 0 - 0  
**Yeas:** George, Monnes Anderson, Prozanski, Telfer, Rosenbaum0  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Jeremy Sarant, Administrator  
**Meeting Dates:** 2/16

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**WHAT THE MEASURE DOES:** Clarifies that an employee must be granted a leave of absence by the employee's employer for the purpose of performing active state duty as ordered by the Adjutant General. Increases the maximum amount of donated leave a qualified employee may receive from co-workers from an amount equal to the employee's base salary, to the amount of the employee's total compensation. Requires that state and local governments: Calculate "total compensation" by including overtime hours equal to the average overtime hours for the same employee class; determine the average overtime hours for an employee class based on a reasonable expectation of the average number of hours of overtime employees in that class would perform over the course of a calendar year; and maintain records of the average number of overtime hours for each employee class for each calendar year.

**ISSUES DISCUSSED:**

- Loss of income, and impact on families of employees called for state military service
- Practice of transferring one employee's accumulated leave to co-worker's account
- Lack of financial impact on state

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Employers must grant leaves of absence to employees who are also military members if the employees are called into active service by the Governor. House Bill 2298 expands the requirement to include military members who are called into service by the Adjutant General with approval of the Governor. Examples of active duty as ordered by the Adjutant General include support operations for approved counterdrug operations (e.g., carrying out federal asset forfeiture laws), serving on special duty such as court-martial and efficiency boards, and drill exercises.

Employees are able to receive donated leave from other employees which supplements any compensation received as a military member, but cannot receive more than the amount they were earning in base salary. House Bill 2298 changes the statutory maximum cap to the employee's total compensation. Under the measure, "total compensation" for state and local government employers must be calculated by including any amounts attributable to overtime hours that equal the average number of overtime hours for the same employee class (group of similarly situated employees whose positions have been designated by their employer in a policy or a collective bargaining agreement as having common characteristics), and determine the average number of overtime hours for an employee class based upon a reasonable expectation of the average number of overtime employees in that class would perform over the course of a calendar year.

2/18/2009 9:30:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*