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SENATE JOINT RESOLUTION NO. 285

Offered January 14, 2015

Prefiled January 14, 2015

Establishing a joint subcommittee to study the feasibility of expanding family and medical leave in the state to complement existing federal requirements. Report.

Patron—Dance

Referred to Committee on Rules

WHEREAS, the federal Family Medical Leave Act of 1993 (Public Law 103-3) (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the (i) birth and care of the eligible employee's child or placement for adoption or foster care of a child with the employee, (ii) care of an immediate family member (spouse, child, parent) who has a serious health condition, or 3) care of the employee's own serious health condition; and

WHEREAS, FMLA applies to private sector employers with 50 or more employees in 20 or more workweeks in the current or preceding calendar year and state and local governments regardless of the number of employees the state or locality employs; and

WHEREAS, individual states are allowed under FMLA to set standards that are more expansive than the federal law; and

WHEREAS, the District of Columbia and several states, including California, Connecticut, Hawaii, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, have chosen to develop statutory provisions for their own family leave laws; and

WHEREAS, most of these states have expanded either the amount of leave available or the classes of persons for whom leave may be taken; and

WHEREAS, there is a need to review whether expansion of family and medical leave in the Commonwealth would be beneficial to both employers and employees and be advantageous to the state's overall business climate; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the feasibility of expanding family and medical leave in the state to complement existing federal requirements. The joint subcommittee shall consist of 11 members that include six legislative members, four nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two nonlegislative citizen members to be appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; and the Director of the Department of Human Resources or his designee to serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) review the current status of family and medical leave in the state and its effect on the economy; (ii) review the experience of states with their own family leave laws, in particular those that have enacted provisions that expanded either the amount of leave available or the classes of persons for whom leave may be taken; and (iii) recommend whether the state should expand family and medical leave.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Human Resources. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$16,080 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the

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59 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
60 agreed to, written authorization of both Clerks shall be required.

61 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
62 or a majority of the House members appointed to the joint subcommittee (i) vote against the
63 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
64 joint subcommittee.

65 The joint subcommittee shall complete its meetings by November 30, 2015, and the chairman shall
66 submit to the Division of Legislative Automated Systems an executive summary of its findings and
67 recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The
68 executive summary shall state whether the joint subcommittee intends to submit to the General
69 Assembly and the Governor a report of its findings and recommendations for publication as a House or
70 Senate document. The executive summary and report shall be submitted as provided in the procedures of
71 the Division of Legislative Automated Systems for the processing of legislative documents and reports
72 and shall be posted on the General Assembly's website.

73 Implementation of this resolution is subject to subsequent approval and certification by the Joint
74 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
75 delay the period for the conduct of the study, or authorize additional meetings during the 2015 interim.