

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB2430

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Filler-Corn, E.

3. Committee: Commerce and Labor

4. Title: Leave for employees.

5. Summary: Requires employers that are subject to the federal Family and Medical Leave Act to allow employees to take leave under certain circumstances beyond the scope of the federal act's requirements. These additional circumstances are (i) providing care for law-enforcement officers and firefighters and covered service members who are injured or incurred a serious illness in the line of duty; and (ii) leave to arrange for or attend funeral or memorial services for a service member killed while engaged in active service or a law-enforcement officer or firefighter who is killed in the line of duty. Employers are required to restore employees taking leave to the position held when the leave commenced or an equivalent position and to maintain coverage for the employee under a group health insurance plan. Employers that violate these requirements are subject to civil penalties and affected employees may bring a private cause of action for damages and equitable relief.

6. Budget Amendment Necessary: Indeterminate, see item 8

7. Fiscal Impact Estimates: Indeterminate, see item 8

8. Fiscal Implications: This bill would have a fiscal impact since it requires the continuation of health and other benefits at the employer's expense for a period of 182 days (26 weeks). Currently, the federal Family and Medical Leave Act (FMLA) provides this benefit for 12 weeks (84 days). In addition, this bill provides an additional 10 days due to the death of a family member. Agencies may also be required to pay overtime to cover the extended absence of staff. The actual fiscal impact is indeterminate because there is no way to determine the number of employees that would qualify.

9. Specific Agency or Political Subdivisions Affected: all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: February 1, 2011

Document: CLC\HB2430

c: Secretary of Administration