



Ohio Legislative Service Commission

Nick Thomas

Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 48 of the 128th G.A.

Date: January 6, 2010

Status: As Passed by the House

Sponsor: Rep. Ujvagi

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Provides two weeks of leave for any employee who is the spouse, parents, or legal guardian of a member of the uniformed services who is called to active duty

State Fiscal Highlights

STATE FUND	FY 2010 - FUTURE YEARS
General Revenue Fund and Other State Funds	
Revenues	- 0 -
Expenditures	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- The bill would entitle eligible public employees to up to two weeks of unpaid leave. As a result, the bill could generate some increased costs for state employers to reschedule staff and pay overtime to fill in for employees who have taken military family leave. Because the leave benefit is the lesser of ten days or 80 hours and is unpaid, any new expenses related to staffing adjustments would likely be quite small.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010 - FUTURE YEARS
Counties, Municipalities, and Townships	
Revenues	- 0 -
Expenditures	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Political subdivisions could also incur some additional costs similar to the state for providing this unpaid leave benefit to qualifying employees.

Detailed Fiscal Analysis

Overview

The bill requires employers to allow an employee to take the lesser of ten days or 80 hours of leave if that employee is the spouse, parent, or legal guardian of a member of the uniformed services that is called into active duty or who is injured, wounded, or hospitalized while on active duty. Employees are only eligible for the benefit if they have been employed for at least a year and if they have no leave other than sick or disability leave available. To use the leave, employees would be required to notify employers of their intention to use the leave at least two weeks in advance, unless the requested leave is to tend to a spouse, parent, or legal guardian who is injured, wounded, or hospitalized, in which case a two-day notification requirement applies. Those individuals that wish to use the leave in relation to a wounded or hospitalized member of the uniformed services are only required to give two days' notice. Also, the dates on which the employee takes leave can be no more than two weeks prior to or one week after the deployment date of the employee's spouse or child. Under the bill, employers would not be required to pay salary to employees on military family leave, but would be required to continue an employee's benefits. However, the employee's contribution towards the cost of those benefits would not change while on military family leave.

Upon returning from military family leave, the bill requires that an employee be restored to the same position at the same rate of pay. The bill expressly prohibits employers from taking any type of retaliatory action against employees taking such military family leave. Finally, the bill specifies that collective bargaining agreements entered into on or after the effective date of the bill could provide similar or greater leave benefits to employees, but would be prohibited from providing less. Any employers or employee that violated the provisions of the bill would be subject to civil litigation.

Effect on public employers

As public employers do not generally track which employees have a child, legal ward, or spouse who is a member of the uniformed services, it is difficult to determine the actual number of public employees that could potentially be eligible for leave under the bill. However, active duty and national recruitment figures provided by the Department of Defense indicate that, from Ohio, there are 5,468 new recruits called to active duty in all branches of the military each year.

There are two reasons why any new potential costs to state and local government employers are likely to be minimal. First, the benefit is unpaid. Secondly, the leave benefit is of short duration: the lesser of 80 hours or ten days. There may be some new costs for rescheduling staff and covering overtime pay, but this would largely depend

on the staffing requirements of the employer. The continuation of benefits of employees on military family leave would not generate any additional costs.

There could possibly be some new costs related to any litigation brought about according to the new rights provided under the bill. These costs would be borne by municipal or common pleas courts and any public employer involved in the litigation. The fiscal impact would ultimately depend on the number of cases brought to trial, which would be difficult to project. Presumably, there would be few such cases involving public employers.

HB0048HP.docx / th