

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4995-01
Bill No.: HB 2077
Subject: Military Affairs; Employees - Employers
Type: Original
Date: March 31, 2008

Bill Summary: This proposal allows spouses of deployed soldiers to take certain amounts of time off from work without pay and without fear of retribution from the employer.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Veterans' Commission** and the **Department of Labor and Industrial Relations** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Administration - Personnel Division (OA)** states the bill may generate additional lost time or overtime costs for state agencies due to the absences that would occur as a result of the legislation. However, the impact would be limited since most employees who have spouses who are deployed on active duty area already are able to be accommodated for their time-off requested as described by the bill. OA states they would have to defer to state agencies for estimates of overtime costs related to the proposed legislation.

OA states this proposal would duplicate an existing program. On January 28, 2008, the National Defense Authorization Act was signed into law, amending the Family Medical Leave Act to provide eligible employees up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status, in support of a contingency operation. The Department of Labor has yet to define "qualifying exigency"; however, employers have been encouraged to provide this type of leave to eligible employees.

Officials from the **Department of Transportation (MoDOT)** state they cannot determine an estimated number of employees who may have a spouse in the armed services that could be called to active duty. However, MoDOT has approximately 70 out of 6,000 employees that are in the armed services, so its reasonable to expect that this could be an estimated number of potential employees who have may have a spouse in the armed services.

This bill provides for unpaid leave, so the fiscal impact would not be that significant to the department. Currently, employees could use any available vacation or compensatory time if they would want paid time off. This bill would allow employees without any available vacation/comp. time to take off work without pay for no more than two weeks.

MoDOT also states that this proposal would duplicate, in part, a provision added to the Family Medical Leave Act (FMLA) in January 2008. The new FMLA provision allows a spouse, son, daughter or parent of a covered servicemember) up to 12 weeks of leave during any 12 month period. Under the FMLA, only employees who have 1 year of service and have worked at least 1,250 hours at a work site with at least 50 employees is eligible for this leave. The leave under

ASSUMPTION (continued)

the FMLA may only be taken for “qualifying exigencies”, which are those for which there is an “urgent need”.

Officials from the **Missouri Department of Conservation** assume the proposal would not fiscally impact their agency.

Oversight will assume state agencies will be able to absorb the potential additional costs that may result from this proposal.

| <u>FISCAL IMPACT - State Government</u> | FY 2009 (10 Mo.) | FY 2010 | FY 2011 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2009 (10 Mo.) | FY 2010 | FY 2011 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated and would not require additional capital improvements or rental space. The proposal may duplicate recent changes made to the Family Medical Leave Act.

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SOURCES OF INFORMATION

Office of Administration
Missouri Veterans' Commission
Department of Labor and Industrial Relations
Department of Transportation
Missouri Department of Conservation



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