



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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

**Date:** April 28, 2009

**Status:** As Introduced

**Sponsor:** Rep. Ujvagi

**Local Impact Statement Procedure Required:** No Corrected after initial review

**Contents:** Provides two weeks of leave for any employee who is the spouse or parent 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 in administrative and payroll costs

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

- The bill could generate some increased costs to state employers for rescheduling staff and paying overtime to cover 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 would likely be quite small.

### Local Fiscal Highlights

#### LOCAL GOVERNMENT

#### FY 2010 - FUTURE YEARS

##### Counties, Municipalities, and Townships

Revenues - 0 -

Expenditures Potential minimal increase in administrative and payroll costs

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 new costs similar to the state for providing this unpaid leave benefit to qualifying employees.

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## 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 person is the spouse or a parent of a member of the uniformed services that is called into 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. 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 it appears that public employers do not generally track which employees have a child or spouse who is a member of the uniformed services, it is difficult to determine the actual number of public employees that would be eligible for leave under the bill. However, national recruitment figures provided by the Department of Defense indicate that there are roughly 5,468 new recruits called to active duty in all branches of the military from Ohio each year. As 13.2% of Ohio's civilian labor force are public employees, it can be estimated that approximately 722 of these new recruits come from a family with a spouse or parent who is a public employee.

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 such 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 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, which generally develop and adhere to comprehensive civil service regulations and collective bargaining agreements.

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