

Legislative Analysis



DISASTER RELIEF LEAVE OF ABSENCE

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House Bill 5061 as enrolled

Public Act 267 of 2006

Sponsor: Rep. Kevin Green

House Committee: Employee Relations, Training, and Safety

Senate Committee: Commerce and Labor

Second Analysis (8-21-06)

BRIEF SUMMARY: The bill would amend the Emergency Management Act to enable state employees to take a disaster relief leave of absence in some circumstances

FISCAL IMPACT: The bill would increase State of Michigan costs by an indeterminate amount. Estimation of such costs would require the ability to predict how many Civil Service employees are not only skilled in disaster or emergency relief assistance, but would be willing to request a leave of absence and are not specifically prohibited from so doing by Civil Service Commission rules. The number of disasters or other emergencies for which such assistance would be appropriate cannot be estimated.

THE APPARENT PROBLEM:

The Federal Disaster Relief Law (42 USC 4131, et. seq.) provides for a system of emergency preparedness for the protection of life and property in the United States from hazards and vests responsibility for emergency preparedness jointly in the federal government as well as the states and their political subdivision. Under the Michigan Emergency Management Plan, the Governor may utilize available resources of the state and its political subdivisions to cope with national or statewide disasters or emergencies. However, the plan does not include a disaster relief leave policy that grants leave for state employees who are skilled in emergency assistance. Michigan is said to be one of four states without a disaster relief leave policy. Legislation has been introduced to address this concern and to bring Michigan in line with other states in the nation that have implemented this policy.

THE CONTENT OF THE BILL:

The bill would amend the Emergency Management Act to enable a state employee who is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross to take a disaster relief leave of absence in some circumstances.

The bill specifies that a non-civil service state employee could be granted an unpaid leave of absence from state employment to provide disaster or emergency relief assistance in this state. A classified state civil service employee may be granted a leave of absence from classified employment as authorized by the civil service commission.

In addition to the unpaid leave cite above, an employee of an agency in any branch of state government could be granted leave from work with pay for not more than ten days in any 12-month period to participate in specialized disaster relief within or outside the state if all of the following circumstances are present:

- **The Governor or the President of the United States has declared the disaster.
- **The American Red Cross has required the services of the employee.
- **The employee's department head has approved the leave.
- **If the service is rendered outside the state by an employee in the executive branch, the Governor has approved the leave.
- **If the employee is in the state classified civil service, the Civil Service Commission has approved the leave.

Not more than 50 state employees could be granted paid leave during a fiscal year, but the Governor could increase that number by executive order.

The state could not penalize or otherwise take adverse employment action against a state employee who takes a leave of absence to provide disaster or emergency relief under the bill. However, the state could recover payment for paid disaster leave from an employee who did not use the leave time for the approved purposes.

MCL 30.406

ARGUMENTS:

For:

Supports say the bill will bring Michigan statutes in line with those of other states and provide an opportunity for employees with specialized training to volunteer their services during natural disasters or catastrophic events. In addition, the bill will ensure that Michigan citizens have an additional level of protection in the event of a natural disaster or terrorist attack.

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