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BILL ANALYSIS

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House Bill 5061 (Substitute H-2 as passed by the House)
Sponsor: Representative Kevin Green
House Committee: Employment Relations, Training, and Safety
Senate Committee: Commerce and Labor

Date Completed: 5-15-06

CONTENT

The bill would amend the Emergency Management Act to do all of the following:

- Allow qualified State employees to take an unpaid leave of absence to provide disaster or emergency relief assistance within Michigan.**
- Allow qualified State employees to take up to 10 days of paid leave to participate in specialized disaster relief services within or outside of Michigan, under certain circumstances.**
- Require the Civil Service Commission's approval of unpaid or paid leave, in the case of classified employees.**
- Limit the number of employees who could take paid leave under the bill, and allow the Governor to increase that limit.**
- Prohibit the State from penalizing an employee for taking a leave of absence under the bill, but require the State to recover payment for paid leave if an employee failed to use it for the approved purpose.**

Unpaid Leave of Absence

The bill specifies that a State employee who was not in the State classified civil service and who was skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross (ARC) could be granted an unpaid leave of absence from his or her employment to provide disaster or emergency relief assistance in Michigan.

Also, a State employee in the State classified civil service who was skilled in emergency relief assistance and certified by the ARC as a disaster services volunteer could be granted a leave of absence from his or her employment to provide disaster or emergency relief assistance in Michigan, as authorized by the Civil Service Commission.

Paid Leave of Absence

In addition to the unpaid leave described above, an employee of an agency in any branch of State government who was skilled in emergency relief assistance and certified by the ARC as a disaster services volunteer could be granted leave from work, with pay for not more than 10 days in any 12-month period, to participate in specialized disaster relief services within or outside of Michigan, if all of the following circumstances existed:

- The Governor or the U.S. President had declared a disaster.
- The ARC had requested the State employee's services.

- The employee's Department head approved the leave.
- The Governor approved the leave, if the services were rendered outside of Michigan.
- The Civil Service Commission approved the leave, if the person were in the State classified civil service.

General Restrictions

Not more than 50 State employees could be granted paid leave under the bill during the fiscal year. The Governor could increase this limit by executive order.

The State could not penalize or otherwise take adverse employment action against a State employee because he or she took a leave of absence authorized by the bill. The State would have to recover payment for paid disaster leave from an employee who was granted paid leave under the bill, however, if the employee did not use the leave time for the approved purpose.

Proposed MCL 30.411a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal impact on State government. Actual costs would depend on the number of employees who were granted paid leave and the extent to which they would have to be replaced.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.