



State Fiscal Note for Bill Number: 2021-H-5111

Date of State Budget Office Approval: Thursday, April 15, 2021

Date Requested: Friday, February 26, 2021

Date Due: Monday, March 8, 2021

Impact on Expenditures

FY 2021	\$0
FY 2022	\$0 - \$18,040
FY 2023	\$0 - \$18,346

Impact on Revenues

FY 2021	\$0
FY 2022	\$0
FY 2023	\$0

**Explanation by State
Budget Office:**

This act would amend Title 30 of the General Laws by adding Chapter 5.1, the "Civil Air Patrol Act." The act would:

- Authorize the Civil Air Patrol (CAP) Commander to expend state funds for security missions, emergency response, disaster relief, education and training, maintenance, repairs, replacement of equipment, supplies, communications, among others.
- Restrict employers from discriminating against or discharging an employee because of their membership in CAP, and would disallow employers from restricting employees from performing CAP-related duties.
- Mandate that employers must provide several leave types of leave to CAP members, and provides several employment protections for CAP members

**Comments on
Sources of Funds:**

To the extent that there would be any salary and benefits costs associated with complying with the personnel provisions within this act there would be an impact on various fund sources used to finance salary and benefits costs statewide. The estimate provided in this fiscal note represents expenditure estimate from all sources. If the General Assembly were to appropriate funds to the Civil Air Patrol as enabled in this act, the Budget Office assumes such funds would be general revenue, but no such impact is included in this estimate.

**Summary of Facts
and Assumptions:**

The act would take effect upon passage. The Budget Office assumes that the impact of this bill would take effect in FY 2022 on July 1, 2021.

The Civil Air Patrol is a congressionally chartered, federally supported non-profit corporation that serves as the official civilian auxiliary of the United States Air Force. The organization is staffed by volunteers. The act does not provide general revenue appropriations for CAP, but rather authorizes the CAP to make expenditures for a variety of purposes. As a result, the act has no fiscal impact related to expenditures by CAP. If appropriations are provided in the future, the fiscal impact would be equal to authorized expenditures.

The Budget Office investigated whether CAP had received appropriations in the past. The Budget Office found that CAP does not receive any direct state appropriations. The Budget Office identified one recent case in which CAP received funds from the State as a grant recipient. In FY 2020, CAP received \$8,627 through a Department of Labor and Training - Real Jobs RI grant for reimbursements for supplies, including

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Thursday, April 15, 2021

Page 1 of 3

uniforms.

Under the terms of this bill, employers are not required to provide paid leave to CAP members.

The Budget Office gathered information which could provide basis to an estimate of the number of individuals statewide for whom the leave provisions outlined in the act would be applicable. The act states that there are currently 11 unpaid CAP staff. A recent Rhode Island Wing CAP Report to Congress states that there are 80 adult volunteer members, 88 cadets, 20 aircrew personnel, and 100 emergency responders statewide (source:

https://www.gocivilairpatrol.com/media/cms/Rhode_IslandWingHandoutHR_22EB58AFD7D1C.pdf) The Budget Office assumes that there may be as many as 211 CAP volunteers who may be in the full-time labor force (11 unpaid CAP staff + 80 adult volunteer members + 20 aircrew volunteers + 100 emergency responders). Cadets are excluded as they are assumed to be children and youth who are not assumed to be included in the labor force. These 211 individuals would now be eligible for unpaid leave to the extent that they were eligible under the terms of this bill.

The Budget Office was unable to locate any administrative data recording the number of Civil Air Patrol members employed by the State of Rhode Island. However, the Budget Office did construct an estimate. State employees constitute approximately 2.71 percent of the state labor force (15,089 authorized FTE positions / 555,941 individuals in total Rhode Island labor force). Applying this same percentage to the 211 CAP volunteers implies that there may be approximately 5.73 FTE position CAP volunteers employed by the State of Rhode Island.

The Budget Office assumes that each CAP volunteer employed by the State of Rhode Island would utilize 2 weeks or 70 hours of unpaid leave. However, this should be considered a high-end estimate as some individuals may choose to utilize existing accrued paid leave (e.g., personal leave or vacation leave) and the amount of time dedicated to CAP activities may be variable in the event of emergency response activities.

Assuming that the activities of CAP members exercising unpaid leave would have to be backfilled by other paid employees of the state at a rate of \$45 per hour would result in a total cost of \$18,040 (5.73 individuals * 70 hours * \$45 per hour). This should also be considered a high-end assumption as it is possible that the work of some employees may be able to be absorbed using existing resources. To estimate the FY 2023 cost to the state, the Budget Office inflated the FY 2022 cost by the latest available CPI-U, which is 1.7% as of February 2022.

The low-end estimate provided here, \$0, assumes that the duties of CAP members who are state employees and annually discharge 70 hours of CAP-related leave can be entirely backfilled with existing state resources.

The Budget Office consulted the Department of Administration, Division of Human Resources to help determine how this act might interact with existing state human resources policies. The Division of Human Resources indicated that no current



statutes or personnel rules specifically classify members of the CAP as eligible for benefits or protections afforded to other employees who are military members. Personnel Rules 5.064, which covers rules related to treatment of military members, covers “membership in the United States Military, Naval or Air Reserve or the Rhode Island National Guard or Naval Reserve...” Under Personnel Rule 5.064 and RIGL §30-6-5, state employees are provided certain paid benefits to employees who enter the armed forces and are called to active duty, and furthermore, state employees who enter the armed forces are also eligible for 15 days of paid leave when they are required to participate in training activities. The above information is included to provide additional context for the act, which would provide CAP members with unpaid leave benefits.

*Summary of Fiscal
Impact:*

This act does not provide appropriations for the CAP. As a result, there is no direct State expenditure impact.

According to the act, there are currently 11 unpaid staff members of CAP and according to a public report there are a larger number of adult volunteer members, cadets, aircrew personnel, and emergency responders. To the extent that any CAP volunteer members who are state employees utilize Civil Air Patrol Leave, the State may incur expenditures associated with backfilling employee duties.

The Budget Office estimates a range of possible fiscal impacts. The low estimate, \$0, assumes that the duties of CAP members who are state employees and annually discharge 70 hours of CAP-related leave can be entirely backfilled by existing state resources. The high estimate, \$18,040 in FY 2022, assumes that the state employs 5.73 CAP members who annually exercise unpaid leave for 70 hours a week at a cost of \$45 per hour.

Budget Office Signature:

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Date: 2021.04.15 11:52:32 -04'00'

Fiscal Advisor Signature:

See attached comments

House Fiscal Advisor Comments H 5111:

The interpretation of the bill by the Budget Office differs from our interpretation of the intent of the bill. The Budget Office indicates that since the act does not provide a specific appropriation, there is no assumed cost. It is our understanding the intent of the bill is to provide state financial support for training and equipment for the Civil Air Patrol. According to estimates provided by the Civil Air Patrol in July 2020, the state contribution would be \$150,000 annually.

