



POSITION ON SENATE BILL 859

State Employees – Parental Leave (Ferguson, et al)

POSITION: OPPOSE

DATE: February 15, 2018

COMMITTEE: Senate Finance

SUMMARY OF BILL: SB 859 provides all employees in the Legislative and Executive branches of State government up to 60 days of paid parental leave within one year of the birth or adoption of the employee's child. The employee in submitting documentation to his or her immediate supervisor must follow the Federal Family and Medical Leave Act (FMLA) guidelines. The Secretary of the Department of Budget and Management (DBM) shall adopt regulations that govern the conditions and procedures for requesting and approving parental leave.

EXPLANATION OF POSITION: DBM is opposed to SB 859 because of the expansion of leave beyond current DBM and FMLA requirements. Current law allows a SPMS employee to use up to 30 days of sick leave immediately following the birth or adoption of a child; if two employees within the SPMS care for a child, each employee may use up to 30 days. Employees who do not have sufficient sick leave may request to use other types of accumulated paid leave, or leave without pay in accordance with FMLA. The federal FMLA provides for job protection for a combined 12 weeks in a 12-month period when two spouses work for the same employer. The State already exceeds that entitlement by providing job protection for each spouse, for up to 12 weeks each, in a 12-month period for the birth or adoption of a child. In addition, State employees within the State Personnel and Management System currently enjoy a very generous paid leave package, including paid annual (vacation), sick and personal leave.

Employees accrue sick leave at the rate of 1.5 hours for every 26 hours worked and may earn a maximum of 15 days of sick leave annually. Sick leave may be used for the illness/disability of an employee or immediate family member, death of an immediate family member, birth or adoption of a child, or for medical appointments of the employee or immediate family member.

State employees also receive six personal leave days annually (7 days during a Leap year) which may be used for any reason. Annual leave is accrued on a pro rata basis, based on years of service, and may be used for any reason. Annual leave ranges from 10 days annually for employees with less than five years of service to 25 days for 20 or more years of service.

Therefore, DBM believes that the current SPMS policies adequately provide "parental" leave protections for employees of the State.

The estimated fiscal impact of the additional leave is indeterminate, as there is no way to determine how many employees would need to use the leave. The additional leave increases overtime expenditures in agencies with 24/7 operations.

For these reasons, we respectfully request an unfavorable report.

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