

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 25 (Delegate Ramirez)
Economic Matters

Labor and Employment - Parental Leave - School Activities

This bill requires employers, including State and local government agencies and private employers, to provide up to 16 hours of unpaid leave annually to employees for certain school-related activities related to the employee's child or foster child. Employees may use available paid leave.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: The State currently provides paid leave for permanent employees that can be used for this purpose. Minimal impact for providing unpaid leave to contractual employees.

Local Effect: The fiscal impact on local governments is not expected to be significant because the required leave is not paid and is already provided in some circumstances; the operational impact will vary by jurisdiction.

Small Business Effect: Potential meaningful. Small businesses with only a few employees may find it difficult to comply.

Analysis

Bill Summary: The bill requires an employer to provide an employee leave of up to a total of 16 hours during any 12-month period to attend school conferences on school-related activities related to the employee's child (or foster child) if the conferences or school-related activities cannot be scheduled during nonwork hours.

If the employee's child receives child care services or attends a prekindergarten regular or special education program, the employee may use the leave time provided to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during nonwork hours.

An employer is not required to provide paid leave for this purpose; an employee may use any accrued vacation or annual paid leave or other appropriate paid leave. The employee must provide reasonable prior notice of the leave when it is foreseeable and make a reasonable effort to avoid disrupting the employer's operations.

Current Law: No current law is applicable to private employers in Maryland.

Permanent State employees are entitled to annual leave (up to 20 days based on seniority) and sick leave (15 days) that is accrued on a pro rata basis; unused portions can be accumulated. Personal leave (six days) is also provided every calendar year and can be used for any purpose; however, an employee must forfeit any unused leave at the end of the year.

Background: Approximately 106,700 firms operate in Maryland and employ a workforce of 2.1 million, according to 2001 data collected by the U.S. Census. In fiscal 2004, the State (including higher education institutions) employs 87,190 permanent employees and 9,718 contractual employees.

A survey by the National Conference of State Legislatures indicates that Vermont is the only state that specifically allows leave for school activities. Vermont requires private and public employers (with 10 or more employees) to give short-time family leave, which consists of four hours in any 30-day period and not to exceed 24 hours in any 12-month period for family emergencies, as well as school activities during work hours.

The federal Family and Medical Leave Act requires public and private employers with 50 or more employees to provide up to 12 weeks of unpaid leave in a 12-month period to an employee for the birth and care of the employee's newborn child or for placement with the employee of a child for adoption or foster care, or to care for an immediate family member (spouse, child, or parent) with a serious health condition.

Small Business Effect: Of the estimated 106,900 firms in Maryland, approximately 17% or 18,760 only have five to nine employees. These businesses may be adversely affected to the extent that the leave provisions conflict with business operations. The Department of Legislative Services observes that it is unclear how the bill's provisions will be

enforced or how it will apply to private sector employees who may not be entitled to leave (*e.g.*, temporary or contractual).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Town of Indian Head, Montgomery County, Prince George's County, Charles County, Department of Budget and Management, Frederick County, Department of Legislative Services

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lc/mdr

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