

SB 473 - Bereavement Leave.pdf

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**SB 473 – Labor and Employment – Leave With Pay – Bereavement Leave
Senate Finance Committee
February 11, 2021**

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony in support of SB 473 – Labor and Employment – Leave With Pay – Bereavement Leave. My name is Donna S. Edwards, and I am the President of the Maryland State and DC AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

Losing a family member is devastating. Oftentimes people never truly recover from the shock and the loss. Every one of us has experienced this and knows the level of emotional distress and stress a loss can cause. From consoling other family members to planning a funeral and putting your life back together, there is no easy way to confront the death of loved one. Throughout the entire process of putting your life back together, it will be necessary to take time off work.

Workers might hesitate to breach the topic about taking leave from work, unsure of how their employer might respond, and unclear whether they will be able to make ends meet without pay. There is no federal bereavement law, but, with SB 473, we have the opportunity to ensure that Maryland's workers have the flexibility to attend to one of the most important things in life, without fearing for their own economic security in the process.

For compassion and empathy, on behalf of workers who have lost loved ones, **we urge a favorable report on SB 473.**

Legislative Testimony 473.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:
SB473

I strongly support Senator Mary Washington's SB473 to guarantee bereavement leave for Maryland workers.

**RICHARD
ELLIOTT**
FOR MARYLAND

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

Sen Mary Washington Testimony SB473.pdf

Uploaded by: griffin, christine

Position: FAV

MARY L. WASHINGTON, PH.D
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Judicial Proceedings Committee

Chair

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB473: Labor and Employment – Leave with Pay -- Bereavement Leave

February 11, 2021

Finance Committee

Madame Chair, Vice Chair and members of the Finance Committee:

In the state of Maryland we have done an admirable job establishing definitions for types of leave. Current statute allows for leave for a personal illness or to take care of an ill family member, but there is nowhere in current statute that codifies bereavement as a qualified leave category.

SB473, The Family Bereavement Act, simply codifies “bereavement” as a form of leave under the current leave statute. This legislation **does not mandate leave, extend leave or add leave**, it simply recognizes bereavement as a *permissible* form of leave. This bill would in no way change or affect any leave policies that employers may or may not currently offer. It simply would make bereavement a recognized form of leave at workplaces that already offer leave to their employees.

And to be very clear, SB473 does not impede on or distract from the *Maryland Sick & Safe* or the *Time to Care Acts* because the legislation would fall under the existing Maryland Flexible Leave Act which already provides paid leave to its employees and prohibit the employer from taking action against an employee who exercises the rights granted under this provision.

Why is Bereavement Leave Important?

Research by the NIH, the American Psychiatric and Psychological Associations, and numerous experts in the field of human services recognize that when an individual experiences a loss of a loved one, they undergo differing levels of trauma associated with that loss. And without proper time for acclimation, individuals can experience damage to their mental health and other long-term negative effects. The effects of trauma experienced may exacerbate or lead to substance abuse, depression, anxiety, sleep disorders, relationship issues etc.

Bereavement leave, just as other forms of leave, provides needed time to recover from incidents in life that would otherwise impede a person's capability of fully performing their employment responsibilities and preventing further negative impacts.

- The Society for Human Resource Management has acknowledged that Individuals need time without the stress and obligations of their employment to handle the affairs surrounding the loss of a loved one. It can be a full time job dealing with a funeral, settling an estate, handling a loved one's personal effects etc.
- The Psychiatric Times states that 40% of grievors meet the criteria for major depression one month after their loss, and 24% still meet the criteria after two months.
- Mourning a loss can cause focus and concentration issues, inability to handle stress, time management – all things that can negatively impact job performance and performance evaluation.
- Allowing for proper bereavement leave can only benefit employers -- employees will return more focused, which ultimately promotes a more productive employee.

The reality is that grief costs. The question is whether we want to pay less now, or more later. The true cost of grief in the workplace is underestimated. About 2.5 million people die in the United States annually, each leaving an average of five grieving people behind. The United States loses up to \$75 billion annually in the workforce given the lack of support and scheduling flexibility needed for the griever.

Currently two large organizations, Facebook and MasterCard, have begun offering up to 20 days of bereavement leave in the event of a family member's death. MasterCard is offering 20 days for the loss of a spouse, domestic partner, child or stepchild; 10 days for the loss of a parent, sibling, grandparent or grandchild (including in-laws and step relationships); and five days for an extended family member's death.

The American Psychological Association states that most grievors can recover from loss on their own through the passing of time if the griever has social support and healthy habits. SB473 will assist in the allowance of needed time to gain access to social support, inside and outside of the organization, and the ability to create or maintain healthy habits for creating a new normal without their loved one.

In conclusion, providing clarity in the law, by codifying "bereavement" as a leave type, would ultimately benefit both the individual and the employer. And given that we are in a global pandemic where individuals are often not even able to say goodbye to loved ones, this legislation is needed more than ever. Therefore I urge a favorable report on SB473.

In Partnership,



Senator Mary Washington, 43rd District

SB 473_Family_Bereavement Act_UNFAV.pdf

Uploaded by: Griffin, Andrew

Position: UNF



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 473—Family Bereavement Act
Senate Finance Committee

Thursday, February 11, 2021

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families. Through our work, we seek to maintain a balance in the relationship between employers and employees within the State through the establishment of policies that promote fairness and ease restrictive burdens.

Senate Bill 473 would require employers to provide leave with pay for bereavement in the event of the death of an immediate family member, the death of a child (including adopted, biological, or foster children, stepchildren, or a legal ward), or to use leave with pay to take care of an immediate family member who is ill.

The Chamber is concerned over the possible implications of this legislation for several reasons. First, most employees are already given the option to use vacation or paid time off (PTO) for personal reasons (which is inclusive of time off for bereavement). In addition, we are concerned that the bill would allow employees to use sick leave for bereavement. This would conflict with the current sick leave statute, which includes specific reasons to use sick leave, as well as add confusion to the distinction between the two options.

The Chamber also wishes to highlight that employers face challenges regarding verifying reasons for the use of PTO. It is difficult to verify each individual reason for usage, especially with a sensitive topic such as the passing of a loved one. As a result, abuse of such a system that lacks the proper verification would negatively impact the employer.

Most employers already provide PTO which permits an employee to use leave to cover an absence, including those connected to bereavement. Employers should be allowed the flexibility and autonomy to determine the terms that best fit their needs and their business based on a range of factors.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **Unfavorable Report** on Senate Bill 473, as presented.



SB 473 bereavement leave.pdf

Uploaded by: locklair, cailey

Position: UNF



SB 473- Leave with Pay- Bereavement Leave
Senate Finance Committee
Position: Unfavorable
February 11, 2021

Bill Summary: Authorizing employees of certain employers to use certain leave with pay for bereavement leave; defining the term "bereavement leave" as leave an employee is allowed to use on the death of a member of the employee's immediate family; and defining the term "child" for purposes of certain bereavement leave to include an adopted, biological, or foster child, a stepchild, or a legal ward.

Written Comments: Despite the MRA's official position, we are not opposed to the concept of bereavement leave – we simply believe that this legislation is unnecessary because of current law. Our members understand that individuals should be allowed time to grieve when necessary, and to that end, employers are not unfeeling to employee needs.

Maryland's Healthy Working Families Act and the Maryland Flexible Leave Act allow leave to be used for such purposes. The State already prohibits employers from asking for documentation for used sick time until after the second consecutive missed shift and the Maryland Flexible Leave Act allows leave to be used for family care. As this bill does not create a new bank of leave and rather codifies allowing employees to do what is already allowed, we believe that this legislation is unnecessary.

Thank you for your consideration and we urge an unfavorable report.