

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 909  
Appropriations

(Delegate A. Miller, *et al.*)

Finance

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Task Force to Study Paid Parental Leave Policies

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This bill establishes a Task Force to Study Paid Parental Leave Policies staffed by the Department of Budget and Management (DBM). The task force must study the costs and benefits of, and make recommendations for authorizing, paid parental leave for State employees for the birth or adoption of a child. The bill specifies the membership of the task force and requires it to report findings and recommendations to the Governor and the General Assembly by December 31, 2016.

The bill takes effect July 1, 2016, and terminates June 30, 2017.

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Fiscal Summary

**State Effect:** DBM can provide staff support to the task force with existing budgeted resources. Any expense reimbursements for members of the task force are presumed to be minimal and absorbable within existing budgeted resources. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** An employee within the State Personnel Management System (SPMS) who is responsible for the care and nurturing of a child may use, without certification of illness or disability, up to 30 days of accrued sick leave to care for the child immediately following the birth or adoption of the employee's child. An employee who uses accrued sick leave may not receive payment unless the employee provides the employee's immediate

supervisor information required by guidelines issued by the Secretary of Budget and Management on the federal Family and Medical Leave Act of 1993 (FMLA).

State employees in SPMS currently accrue paid sick leave at the rate of 1.5 hours for every 26 hours worked in nonovertime status. Employees earn a maximum of 15 days or 120 hours of sick leave each year. Employees may use paid sick leave for the following:

- for illness or disability of the employee;
- for death, illness, or disability of the employee's immediate family member;
- following the birth of the employee's child;
- when a child is placed with the employee for adoption; or
- for a medical appointment of the employee or the employee's immediate family member.

Additionally, State employees in SPMS receive personal and annual paid leave days. They receive six personal leave days annually to be used for any reason after giving notice to their supervisor. Annual leave accruals are based on the employee's years of service, which ranges from a maximum of 80 hours of annual leave each year for employees with less than 5 years of service to a maximum of 200 hours of annual leave each year for employees with at least 20 years of service. Annual leave may be used for any reason, upon supervisor approval.

**Background:** FMLA requires covered employers to provide eligible employees with up to 12 work weeks of unpaid leave during any 12-month period under the following conditions:

- the birth and care of an employee's newborn child;
- the adoption or placement of a child with an employee for foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition;
- medical leave when the employee is unable to work due to a serious health condition; or
- any qualifying circumstance arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Generally, an FMLA-covered employer is an entity engaged in commerce that employs at least 50 employees. Public agencies and public or private elementary or secondary schools are considered to be covered employers regardless of the number of individuals they employ.

An eligible employee is an individual employed by a covered employer who has been employed for at least 12 months; however, these may be nonconsecutive months. Among other criteria, the individual must have been employed for at least 1,250 hours of service during the 12-month period.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Budget and Management, U.S. Department of Labor, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2016  
min/mcr

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